

MERCHANTS, COMMISSIONERS AND WARDMASTERS:
MUNICIPAL POLITICS IN CAPE TOWN, 1840-54

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A B S T R A C T

'Merchants, Commissioners and Wardmasters: Municipal Politics in Cape Town, 1840- 1854' explores the social, political and economic changes and conflicts that helped to determine Cape Town's evolution in the mid nineteenth century. The focus lies on the dominant classes who were involved in municipal and colonial affairs. This study critically examines the thesis, first propounded by Tony Kirk, of class rivalry between Cape Town's 'aristocracy', the mercantile élite, and the rising commercial middle class which dominated the municipal executive. It also investigates the intra-institutional relations between the municipal commissioners (the executive) and wardmasters (members of the junior board of the municipality), and the role played by the municipality in Cape politics. In filling a gap that exists in the growing body of academic research on the history of Cape Town, this dissertation aims to make an original contribution to the field of South African urban history.

The main sources were municipal and official records, newspapers and private manuscripts. Extensive biographical research was also undertaken in order to acquire a detailed knowledge about the more prominent individuals who constituted the different social groups. It was found that distinct elements of economic, political and social rivalry existed between the mercantile élite and the commercial class. Through the Municipality of Cape Town the commercial class advanced its business and propertied interests and campaigned for constitutional reform in order to oust the élite merchants from their position of privilege and to gain political control for itself. Kirk's thesis thus appears to be a valid and cogent one, but it has been overdrawn; in concentrating on a period of political crisis (1846-54) Kirk overlooks the significant degree of co-operation that also existed between these two groups. Both collaborated

to protect their mutual commercial interests, to promote the development of the resources of the colony, to demand self-government for the Cape and to keep the 'labouring classes' in check.

Kirk's thesis, moreover, underestimates the importance of property in this period when town expansion was taking strides. It was the key to local political influence, for the municipal franchise was defined in terms of property ownership. It was an indicator of wealth and status - while élite merchants owned valuable landed estates, men from the commercial class were re-investing their capital in household property and mortgage bonds. It created a social divide between proprietors and occupiers which was reflected in disputes between the commissioners and wardmasters. It was also the major source of revenue for public works ranging from municipal improvements to hard roads. Taxation of property was of central concern, both to proprietors adversely affected by the slump in the property market in the early 1840s, and to occupiers who were forced by Cape Town's landlords and mortgagees to shoulder a part of the tax burden.

In order to minimise this burden the commercial class sought to appropriate the colonial revenue for the extension of public works, a move which necessitated securing control over the future Cape parliament. For the same reason the commissioners and wardmasters tried to limit municipal expenditure and to acquire income from alternative sources. The municipality's attempt to tax crown property brought it into conflict with the colonial government. This conflict escalated after the government's abolition of the compulsory market dues, a vital source of municipal income, and its failure to heed the opposition of the colonists to the introduction of convicts to the Cape. The municipality henceforward engaged in a relentless campaign to reform the existing political order, a goal which was accomplished in 1853 with the granting of representative government.

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PREFACE

One object of this study is to fill a gap in the growing body of research on the history of Cape Town. To date a number of general works on Cape Town's past have appeared¹, but most tend to be popular histories, more narrative or anecdotal than analytical in character. Valuable research papers are being produced under the aegis of the University of Cape Town's Workshops², but these cover a variety of topics and periods. (Academic studies of the history of Cape Town during the nineteenth century have so far been patchy.) The 1830's period has been treated in theses by E. Hengherr and Shirley Judges³, while the last quarter of the century is currently being researched by Vivian Bickford-Smith⁴. The mid-century period has received some attention from Tony Kirk⁵, whose thesis provides the starting point for this work. Kirk's main focus, however, is on the inter-relation of Cape and British politics, not on urban history per se. This period also falls within the ambit of Kathy Elk's current research on the perception and control of crime in Cape Town. But an in-depth investigation into the municipal politics of the mid-century has not yet been attempted. In tackling this task, I hope to make an original contribution to Cape Town's rich and fascinating history.

The central concern of this dissertation is urban politics,

1. For example, the works by R.F.M. Immelman, C. Pama, H.W.J. Picard, P.W. Laidler and L.P. Green. See Bibliography.
2. Selected papers are published in Studies in the History of Cape Town.
3. Hengherr studied the emancipation of slaves at the Cape, and its effects; Judges investigated poverty, living conditions and social relations. See Bibliography.
4. See, for example, Bickford-Smith's paper on Cape Town c. 1875 presented at the Fifth Workshop on the History of Cape Town, December 1985.
5. See below, Chapter II, pp.45-46.

not simply urban development. My aim is not merely to describe life in Cape Town or to trace the activities of the municipality, but to try to understand the underlying social, political and economic changes and conflicts that in part determined Cape Town's evolution. The focus lies on the dominant classes, on how different social groups with access to power and influence competed or co-operated in the promotion of their interests, within the context of an urban setting. This inevitably raises the problem of the concept of 'class'.

The two main camps in the debate over class, notes the English historian and theorist, E.P. Thompson, are the Marxists, who construe class as a 'thing', having a 'real existence', and their ideological opponents, for whom 'any notion of class is a pejorative theoretical construct, imposed upon the evidence'⁶. Frederick Johnstone has argued that South African studies have greatly benefited from the Marxist school, through its new insights and terms of enquiry⁷. But he also warns that this school should 'not let its strengths in political economy numb it from a necessary sensitivity to non-economic factors, to cultural, ideological and psychological factors ... [which are] not always reduceable [sic] to or subsumable within questions of political economy'⁸. The issue here is class-consciousness, which many Marxists, Johnstone included⁹, believe has nothing to do with class analysis. This appears to be a deviation from Marx's original thinking. David McLellan argues that the two chief criteria advanced by Marx for the application of the term 'class' are 'relationship to the prevailing mode of production and

6. E.P. Thompson, The Making of the English Working Class (Penguin Edition, 1980), p.9.

7. F. Johnstone, 'The Labour History of the Witwatersrand in the Context of South African Studies', in Social Dynamics, 4(2), 1978, pp.101-108.

8. Ibid., p.105.

9. Ibid., p.104.

a group's consciousness of itself as a class ...'¹⁰. What critics of modern Marxism fear is that there is little room in its paradigm for insights into the non-economic genesis of social classes through the 'political, normative, ideological, religious or cultural moments of social life and social action ...'¹¹.

The danger of rigid theories of class, such as Althusser's structuralism, is that they tend to be static and ahistorical, and to dehumanise history. For the Althusserians, people are merely the bearers of a structure which defines their 'place' in a system of social division. But history, E.P. Thompson stresses, 'is not a factory for the manufacture of Grand Theory ...'¹². Class, he argues, is not a 'structure' or a 'category' but something which 'happens' in human relationships; and class experiences are handled in cultural terms as class-consciousness, embodied in 'traditions, value-systems, ideas and institutional forms'¹³. (It is only by viewing men 'as they live in their own history'¹⁴ that we can approach a proper understanding of class.) A similar standpoint is held by the Australian sociologist and historian, R.W. Connell¹⁵. An effective theory of class should focus, he contends, on the 'process of generation' through historical time, on the 'things done by knowing people as they respond to situations that arise for them in a world of power, of strategies, of oppression, affluence and deprivation'¹⁶.

Theory
in class

10. D. McLellan, The Thought of Karl Marx (London, 2nd edition, 1980), p.178.
11. J.L. Cohen, Class and Civil Society: The Limits of Marxian Critical Theory (Oxford, 1982), p.149.
12. E.P. Thompson, The Poverty of Theory and Other Essays (New York, 1978), p.238.
13. Thompson, English Working Class, pp.8-9.
14. Ibid., p.10.
15. Author of Ruling Class, Ruling Culture (1977) and Class Structure in Australian History (1980), and lecturer at Macquarie University.
16. R.W. Connell, Which way is up? Essays on sex, class and culture (Sydney, 1983).

The use of the term 'class' is indispensable to the historian, but it is a concept which must be handled cautiously. (In my opinion, the historian should proceed not by imposing an abstract analysis on the evidence, but by trying to perceive from the evidence patterns of social grouping, the ways in which men in a particular society organised themselves or were divided along various lines, economic, political, cultural or racial. These patterns should be closely related to the way in which the historical actors themselves perceived their position in their society, expressed their hopes and fears, promoted or protected their interests, in short, manifested a certain consciousness of their situation. It should also be remembered that group identities are fluid; for example, a particular individual in mid-nineteenth century Cape Town may view himself as a wine merchant in one situation, and as a landlord in another. Finally, the patterns of social grouping should not be seen as fixed and static, but must allow for social mobility and account for change over time.

The theme of dispute is thus a recurrent one in this dissertation, for situations of conflict tend to polarise social groups, enabling the historian to perceive more distinctly the different class alignments within a society. At the same time, to avoid an overdrawn picture of class division, I have endeavoured to note features of continuity, such as common economic interests or common antipathies towards other races, that united the dominant classes of Cape Town. In order to arrive at a clearer understanding of group alliances, it was important to acquire a detailed knowledge about the individuals who constituted these groups. This necessitated extensive biographical research, including an examination of wills and estates for clues to specific interests, such as family connections or property-owning.

Since this work is primarily concerned with the way in which the municipality was used to serve the interests of particular groups, much time was spent on the municipal records. However, the research into these records was more selective than exhaustive: it was concentrated on certain themes such as relations with the colonial administration or the allocation of public works. The main source for correspondence with the municipality was, in the first instance, its own letter books and appendices. However, where these were deficient (one letter book, for example, was missing), other official sources were consulted. The records of the Government House, Colonial Office and the Legislative Council were useful not only in illuminating the views of the authorities, but also in revealing the interests of different groups, expressed in numerous petitions and memorials. The dry, bureaucratic entries in the minute books of the municipality and the institutions of colonial government offered only the barest evidence of policy making. It was the reports in the newspapers, particularly the vivid but erratic verbatim accounts printed in the Cape Town Mail, that brought alive the debates, clashes and controversies that accompanied the major issues in municipal and colonial politics. Here lay the real insights into the men involved in the municipality, the Commercial Exchange and the colonial government, the men who helped to shape Cape Town's history.

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ABBREVIATIONS USED IN FOOTNOTES

<u>Almanac</u>	<u>Cape of Good Hope Almanac and Annual Register</u>
App.No.	Appendix, number of item (municipal records)
<u>AYB</u>	<u>Archives Year Book</u>
BPP	British Parliamentary Papers
CCP	Cape Colony Publications (Cape Archives)
<u>CTM</u>	<u>Cape Town Mail</u>
<u>DSAB</u>	<u>Dictionary of South African Biography</u>
EC	Records of the Executive Council (1834-54)
<u>GG</u>	<u>Cape of Good Hope Government Gazette</u>
GH	Government House records
LB	Letter book of the Municipality of Cape Town
LCA	Records of the Legislative Council (1834-54)
MC	Minutes of the Board of Commissioners
MW	Minutes of the Board of Wardmasters
<u>QB</u>	<u>Quarterly Bulletin of the South African Library</u>
<u>SACA</u>	<u>South African Commercial Advertiser</u>
SAL	South African Library
UCT	University of Cape Town
Unpub.	Unpublished
<u>ZA</u>	<u>Zuid-Afrikaan</u>

INTRODUCTION

THE FRAMEWORK OF MUNICIPAL GOVERNMENT

While local government in Britain was undergoing the first of its major reforms in the nineteenth century, preparations were simultaneously under way to grant elective municipal government to the towns of the Cape Colony. But, as previous research has demonstrated, the Cape developed a unique system which appears to have had 'no exact parallel in any other part of the British Empire at this time'. It was characterised, suggests Professor K.S. Hunt, as

'a hybrid structure composed of three elements: the Dutch tradition, the demand ... for elective institutions, and the insistence ... that initiative at the periphery must be co-ordinated, by administrative efficiency at the centre.'

Cape municipal government was also a pragmatic and flexible response to local conditions, 'not the product either of theory, or an imitation of systems existing elsewhere, but of adaptations made within the Cape'².

The Municipal Corporations Act of 1835, which established elective town councils on a household suffrage and rate-paying franchise, was partly a reaction against the corruption and financial incompetence of the old corporations in England³. Municipal reform was also closely linked to changes at the level of national politics. D. Fraser has argued that 'parliamentary and municipal reform were but two horses in the same harness'⁴. By widening the municipal franchise to

1. K.S. Hunt, 'The Development of Municipal Government in the Eastern Province of the Cape of Good Hope, with Special Reference to Grahamstown (1827-1862)', Archives Year Book, 1961, p.146.
2. Ibid., pp.137-138.
3. B. Keith-Lucas, English Local Government in the Nineteenth and Twentieth Centuries, (London, 1977), pp.10, 13.
4. D. Fraser, Power and Authority in the Victorian City, (Oxford, 1979), p.5.

include the middle class, the Whig government undercut the traditional authority of the former urban élite of gentlemen and merchants, Tory supporters, who had dominated the corporations. But the political consequences of the 1835 Act should not be overestimated: the poor were excluded from voting and the number of municipal electors was often below that of the parliamentary register⁵. Nor had a true municipal revolution been achieved. The 1835 Act had failed to define a constructive role for the town councils, one that would embrace such matters as public education, the control of gas and water supplies, the maintenance of streets and public buildings and the administration of trusts for hospitals and charities. It was in this area that the real revolution occurred, over the period 1834-1894, when 'merely elementary representative institutions were transformed into powerful agencies with wide social purposes'⁶.

The influence of party politics on the reform of municipal administration in England had no parallel during the nineteenth century at the Cape, where political parties were late in developing⁷. Nor was the structure of local government at the Cape based on English models. L.P. Green demonstrates that the 1836 Ordinance, which enabled towns in the Colony to opt for self-government, bore no resemblance to the Municipal Corporations Act. The English organs of local government closest in function, organisation and procedure to the municipal boards created by the 1836 Ordinance, were the vestry committees found in the parishes. But these bodies were not established by any constitutional law; they had evolved spontaneously and their continued existence

5. Keith-Lucas, English Local Government, p.16;
Fraser, Victorian City, p.16.

6. Fraser, Victorian City, p.151.

7. R-M. Sellick, 'A Study in Local History: Grahamstown 1883-1904'
(Unpublished M.A. Thesis, Rhodes University, 1983), p.4 and Ch.7.

• It was, however, a Whig government which was responsible for initiating the revival of urban government at the Cape. See footnote 16.

depended on the interest of local citizens⁸. However, the development of local government in Britain and at the Cape shared some common trends. There was a tendency to allocate a variety of responsibilities to a single local authority, such as the district (divisional) council⁹. In both places, the development was an on-going process: in Britain 'old powers were transferred and modified' and in the Colony 'new powers were created to meet changing circumstances'¹⁰.

Municipal institutions at the Cape were founded on the strong legacy of local government under Dutch rule. An early form of urban government was found in the Committee of the High Court, established in 1786 in response to requests from the citizens of Cape Town for a greater share in the government of the Colony. Consisting of three company officials and three members appointed from the burghers by the Council of Policy, it acted generally as a municipal commission for Cape Town. When its powers were extended in 1793, they included the control of 'wykmeesters' or wardmasters. These men were the equivalent of the aldermen or constables common in England¹¹. As part of their various duties, the wardmasters were expected to keep an accurate register of the inhabitants of their wards, to report vagrants and 'suspicious or dangerous Persons' to the authorities, and to ensure that the town residents kept clean the streets in front of their own houses¹².

8. L.P. Green, History of Local Government in South Africa: An Introduction, (Cape Town, 1957), p.17. The open vestries disappeared when the Poor Law Amendment Act of 1834 amalgamated parishes throughout the country into unions.
9. For example, the Divisional Councils, established in 1855, took over the responsibilities of the Road Boards, and were granted wider powers, which included the regulation of pounds, and control over district school commissioners: Hunt, 'Municipal Government', p.145.
10. Sellick, 'Grahamstown', p.5. At the Cape, for example, the 1882 Municipal Act extended the powers of town councils to include the maintenance of public libraries, museums, gardens, wash-houses and cemeteries, and Act 23 of 1897 transferred the maintenance of sanitation and public health services to the local authorities: Ibid., pp.7 and 9.
11. Green, Local Government, pp.8-9.
12. African Court Calendar and Directory, (Cape Town), 1825, pp.88-91.

During the first British occupation of the Cape, the Committee was converted (in 1796) into a Burgher Senate, with all six members appointed from the burghers¹³.

Advocate J.A. de Mist attempted, during the short period of Batavian rule, to establish a town council (Raad der Gemeente) possessing wide powers, whose members were to be elected by all free burghers who paid certain taxes. The project was, however, still-born for the Cape was once again occupied by the British, and in 1806 the Burgher Senate was reinstated. De Mists's ideas were not forgotten and the Raad, as enshrining the elective principle, became a symbol for municipal aspirations¹⁴.

Meanwhile, the Burgher Senate was not proving to be a success, despite attempts to reform it. Abuses in the collection of taxes had led to the prosecution of the town treasurer and dismissal of the municipal auditor. Following the recommendations of a commission of inquiry into the administration of the Colony (1826), the Burgher Senate was dissolved on 26 December 1827. Its property was placed in the care of the Superintendent of Police and the Collector of Taxes, and its powers were assumed by the colonial administration¹⁵. Capetonians ceased, for the next decade, to enjoy the rights of self-government. But persistent demands for local institutions from the colonists coincided with the trend in imperial policy towards granting a measure of self-government to the British colonies, epitomised in the 1839 Durham report on Canada. Ordinance No. 9, enacted on 15 August 1836, permitted those towns which so desired to establish elected municipal boards¹⁶. Yet this was no startling innovation, as L.P. Green explains:

13. Green, Local Government, pp.8-9.

14. Ibid., pp.10-12.

15. Ibid., p.14.

16. Governor D'Urban had been instructed by the Secretary of State in the Whig cabinet, T. Spring-Rice, to create new boards of local authority which would be empowered to initiate public works and to levy rates. The drafting of the Ordinance began in October 1834, but the frontier war of 1835 delayed proceedings: Hunt, 'Municipal Government', pp.143-4.

'... the idea of a small board of local people assisted by wardmasters had persisted in Dutch and British official quarters since 1793, producing the municipal committee, the raad 17 der gemeente and the burgher senate ...'

Cape Town, because of its unique circumstances, was specifically excluded from the provisions of the 1836 Ordinance (clause 53). When its first municipal constitution was eventually finalised in 1840, the machinery established was similarly based on previous patterns of local government at the Cape.

In Cape Town a public meeting was held at the Commercial Exchange in June 1836 to discuss the future government of the town. Certain principles were adopted, upon which an elected committee was to draw up a bill to submit to the Legislative Council. The most important principle was that, in addition to the Board of Commissioners (the municipal executive), there should be a Board of Wardmasters, whose functions were to include the approval of regulations, the sanctioning of estimates and the determining of rates. Opinion on this point had been unanimous, and since most of the unofficial members of the Legislative Council and the Attorney-General, Sir Anthony Oliphant, had been present at the meeting, it was naturally expected that the two-board system would prevail. However, when the Cape Town Municipal Ordinance (No. 3), after 'a long and useless delay', was promulgated in February 1839, the public, 'to their utter surprise', found that this scheme had been rejected on the grounds that it would create an 'imperium in imperio'¹⁸.

17. Green, Local Government, p.18. K.S. Hunt has noted that the 1836 Ordinance reflected the broad principles of a draft for municipal government submitted to a public meeting of Grahamstown citizens in 1834 by the Resident Magistrate: 'Municipal Government', p.142.
18. ZA, 13 March, 1840. Editorial. The article briefly summarised developments from June 1836 to March 1840. The original proposal concerning the wardmasters had simply stated that the town should be divided into wards and that the householders should elect the members of this Board. It had been made by C.L. Herman, a local merchant who was to serve as a commissioner in 1840 (Zuid-Afrikaan, 1 July, 1836). It appears that the functions of the board as described above were added by the editor, probably in the light of the various proposals for a municipal constitution put forward between 1837 and 1840.

The long delay in passing the ordinance was occasioned partly by problems arising from the first draft presented to the Legislative Council on 2 August 1837¹⁹ by Hamilton Ross, one of the unofficial members and a prominent 'merchant prince' of Cape Town. Ross had proposed to include the districts of Green Point, Sea Point and Camps Bay under the jurisdiction of the Cape Town municipality²⁰. The leading residents of Green and Sea Point quickly responded, and drafted a petition which was submitted to the Legislative Council on 11 December²¹. The petitioners declared that their inclusion within the municipality would be 'highly disadvantageous'. Their property would be taxed, they argued, yet they would derive no benefit from the municipal board's measures for 'Cleaning, Lighting and Watching', nor from the 'expensive and complicated machinery' required to administer a large city. The merger would deprive them of all control over the amount and application of funds to be expended on repairs of the road leading from Cape Town to these districts, which was 'a matter of paramount importance' to them. They urged that if the management of the town waterworks was to be handed to the Cape Town Municipality, the residents of Green and Sea Point should be supplied with water 'in the same proportions and at the same rates' as the inhabitants of Cape Town²².

These citizens were clearly determined to avoid inclusion in a 'greater' Cape Town. A second petition, dated 6 December 1837, forcefully restated their views and elaborated on the arguments of the first²³. It would be both unconstitutional and most unjust, they stressed,

19. LCA 2 (Minutes), p.14. It was published in GG, 10 November 1837.

20. Clause 1 of Draft. LCA 8 (Appendix Vol. 3), item 29.

21. LCA 2 (Minutes), p.33.

22. LCA 8, (Appendix Vol. 3), item 30. No date. Ironically enough, four of the signatories, P.M. Brink, J.M. Maynard, J. Cameron and H.C. Jarvis, were to become commissioners of the Cape Town Municipality.

23. LCA 8, (Appendix, Vol. 3), item 31.

'to compel the Inhabitants of Green Point and Sea Point ... which are not situated within the natural or necessary boundaries of the Municipality of Cape Town, not only without their consent, but against their express wish, to become subject to the local Government, Regulations and Taxes, which the Inhabitants of Cape Town may deem it expedient to provide, enact and levy for their own interests and purposes.'

Under these pressures, the Legislative Council had yielded without hesitation to the appeals of the Green Point residents. It instructed the petitioners to inform the Council whether they meant to form themselves into a municipality, and if so, to prepare a bill to that effect²⁴. Consequently, the draft of Hamilton Ross was abandoned, but not shelved; some of its provisions resurfaced in the 1839 and 1840 Ordinances. Two new bills, treating the districts of Green and Sea Point and central Cape Town separately, were submitted to the Legislative Council²⁵ and finally promulgated on 12 February 1839. The framework of local government in Green Point, created by Ordinance No. 4, was essentially similar to that established by the 1836 Ordinance²⁶. Specific provisions protected the rights of the inhabitants to pasture their cattle on the common lying between Somerset Road and the sea, and to receive a supply of water from the Waterworks, on the same terms as the residents of Cape Town²⁷. A reciprocal clause protecting the Green Point water rights also appeared in the subsequent Cape Town municipal ordinances²⁸. The boundaries of the Municipality of Cape Town now extended from Signal Hill to Constitution Hill, the heart of the future District Six.

24. LCA 2, (Minutes), 11 December, 1837, p.33.

25. The Green Point bill was presented on 29 December, 1837, and the Cape Town bill on 5 March, 1838. Both were unanimously carried on 19 April, 1838: LCA 2, (Minutes), pp.42, 78, 83.

26. Green, Local Government, p.26.

27. CCP 6/3/1/4 (Ordinances), Ordinance No. 4 of 1839, clauses LII and LIII.

28. Ibid., Ordinance No. 3 of 1839, clause XLV and Ordinance No. 1 of 1840, clause LV.

Although the citizens of Cape Town were disappointed to discover that their recommendations for a Board of Wardmasters had not been accepted, they nevertheless set about implementing the provisions of the 1839 Ordinance. On 21 February a committee was elected to draft the municipal regulations²⁹, which were then submitted to a general meeting of householders. Once approved, the regulations were transmitted to the governor by the chairman of the meeting, Maximilian Thalwitzer³⁰, a prominent wool merchant. However, at this point a major stumbling block was encountered.

L.P. Green ascribes the demise of the 1839 Ordinance to 'a growing opposition ... sufficient to prevent its application ...'³¹. What he does not make clear is that this opposition stemmed from official, not popular, sources, as the correspondence published in the Zuid-Afrikaan reveals. On 10 July, the Secretary to Government, Colonel John Bell, advised Thalwitzer that many of the provisions were 'deemed to be so objectionable' that the Governor had 'with much regret' disallowed them³². Thalwitzer then sent a memorial to Napier, noting that the ordinance allowed for no further proceedings in the case of any disallowance of regulations. Since this would render the ordinance 'defunct', he begged for a reconsideration of the regulations³³. The Acting Attorney-General pointed out the same flaw in the ordinance, in consequence of which it would have to remain without effect³⁴. On 14 August Thalwitzer was informed that such extensive amendments were required that the regulations would probably be rendered unacceptable to the inhabitants of Cape Town. The ordinance would have to be revised and

29. ZA, 22 February, 1839; SACA, 23 February, 1839.

30. ZA, 3 May and 10 May, 1839. The meeting was held on 20 April, 1839. (Thalwitzer also served as a municipal commissioner, 1841-42.)

31. Green, Local Government, p.23.

32. ZA, 26 July and 16 August, 1839.

33. Ibid.

34. EC 1 (Minutes 1834-43), 10 August, 1839, pp.220-21.



WILLIAM PORTER, THE ATTORNEY-GENERAL

Source: Cape Archives, AG 7384

corrected before any further proceedings could take place³⁵. A dead end had been reached. Into the breach stepped the newly arrived young Attorney-General, William Porter.

Porter was not impressed by the 1839 Ordinance, as the journal of his early days in Cape Town reveals. He referred to it as a 'beautifully bungled piece of legislation' whose regulations were 'exquisitely Pickwickian, and amused me by their solemn folly'³⁶. The ordinance would have to be repealed, and replaced by an entirely new enactment, which he was to draft. On 13 January 1840 Porter presented to the Legislative Council his bill 'for the better regulation of the Municipal Board of Cape Town'³⁷. After due discussion, amendment and legal ratification by the judges of the Supreme Court³⁸, it was promulgated as Ordinance No. 1, on 3 March 1840³⁹. One of its main features was the revival of the Board of Wardmasters. The Zuid-Afrikaan welcomed the passing of the new Municipal Bill, and had no doubt that 'the public will hail the satisfactory conclusion of the measure ...'. Porter was given credit for the achievement. 'We rejoice', wrote the editor, '... that our independent Attorney-General has given the public fresh proof of the liberal principles which seem to guide him in the conduct of his official duties'⁴⁰. The 1840 Ordinance was thus

35. ZA, 16 August, 1839. In despatching Ordinance No. 3, Napier explained that having been found defective, because of its provisions relating to the municipal regulations, a new ordinance would be passed. Lord John Russell, in reply, chided him for the long delay in sending the ordinance to England, which could enhance difficulties should any acts be disallowed. GH 23/12, Napier-Russell, 31 January, 1840; GH 1/135, Russell-Napier, 23 April, 1840.
36. South African Library. MSB 392 (Porter papers). Journal, 29 October and 4 November, 1839. Regrettably only one volume of the Journal survives, and no further mention is made of the Cape Town municipal ordinance. On 16 November, the date of the last entry, Porter was still busy with the 'never ending' Masters and Servants Ordinance.
37. LCA 2, (Minutes), pp.176-177.
38. LCA 11, (Appendix, Vol. 6), items 3 and 4. Bill as corrected by Judges Wylde and Menzies, and their reply, dated 29 February, 1840.
39. CCP 6/3/1/4, (Ordinances).
40. ZA, 13 March, 1840.

viewed as a victory for 'liberalism'.

William Porter has been characterised by J.R. Putzel as a man of expediency, a progressive politician and promoter of self-government at the Cape whose independent views were 'liberal and philanthropic, but never extreme'⁴¹. In discussing the 1840 Ordinance, Putzel states that

'essentially the same liberal principles which were to guide him when helping to prepare representative institutions, determined his attitude towards local self-government ...'⁴²

Professor A.F. Hattersley implies that Porter was politically more conservative and supported the interests of the landed proprietors. He notes that the Attorney-General

'believed that the two boards to which the municipal affairs were entrusted would be drawn from different classes. The commissioners, presumably landed proprietors, might be expected to restrain any political agitation that might emanate from wardmasters, who would be in the main householders'⁴³

A recent researcher, Tony Kirk, when reviewing Porter's 1848 memorandum on a constitution for representative government, defines his overriding concern as the 'protection of property and safeguards for the executive power'⁴⁴. A closer examination of the evolution of the 1840 Ordinance should help to shed some light on these issues.

41. J.R. Putzel, 'William Porter and constitutional issues at the Cape, 1839-1873'. (Unpublished M.A. Thesis, University of Cape Town, 1942), pp.3, 138. A 'liberal' was defined by Porter himself as 'a man whose sympathies are with the people and with popular institutions, - a man who looks at public measures to see how much may be prudently granted to the people, not how much may be prudently withheld .. a man who trusts in liberty and progress and is glad to see such growth take root and spread': Ibid., p.3, quoting from Cape Argus, 14 December, 1861.

42. Ibid., p.121.

43. A.F. Hattersley, The Convict Crisis and the Growth of Unity, (Pietermaritzburg, 1965), p.39.

44. T.E. Kirk, 'Self-Government and self-defence in South Africa', (Unpublished D. Phil. Thesis, Oxford, 1972), p.244.

Although the structure and machinery of local government defined by Ordinance No. 3 of 1839 was largely based on the 1836 Municipal Ordinance, it owed some of its provisions to Hamilton Ross. His draft appears to have been largely ignored by previous researchers, yet as a prominent representative of both mercantile and agricultural interests⁴⁵, his contribution deserves attention. Indeed, Porter's 1840 Ordinance appears to have created a compromise between the 1839 Ordinance and Ross' draft.

In contrast to the outlying towns and villages of the Colony, Cape Town possessed a greater concentration of wealth and population and had acquired previous experience of self-government through the Burgher Senate, assisted by ward-masters⁴⁶. Its municipal constitution would have to be designed to accommodate different circumstances and conditions. The 1836 Ordinance defined 'Householder' as any proprietor or renter of any house of the yearly value or rent of not less than £10 Sterling (clause 48) and paying an

45. Ross headed a very profitable import-export business, was the director of several banking and insurance companies, a pioneer in the steamship coastal trade, owned a fleet of merchant ships which traded with India, Mauritius, Australia and St Helena, and served as Chairman of the Commercial Exchange. He was also a founder of the Agricultural Society, an early importer of merino sheep and a champion of the farming community in the Legislative Council. He owned the Sans Souci estate in Newlands, the Woodlands estate (site of the future Diocesan College) in Rondebosch, and his town house was the famous Mount Nelson. He was also one of the first commissioners of the Municipal Board, serving from 1840 to 1842. DSAB II, p.606; Almanac, 1841-43.
46. See above, pp.3-4. An idea of the comparative size and wealth of Cape Town can be gained from the following statistics for 1848:

<u>Town</u>	<u>Total Population</u>	<u>Assessed Value of Fixed Property</u>
Cape Town and Green Point	25 000	£1 298 048
Port Elizabeth	3 394	£113 010
Stellenbosch	2 888	£30 808
Grahamstown	2 557	£104 102

Source: Montagu to Smith, Memorandum, 10 April, 1848 (Enclosure No. 3 in Smith to Grey, 29 July, 1848) in 'Correspondence ... relative to ... Representative Government ...', (Cape Town: Saul Solomon, 1849).



HAMILTON ROSS, CAPE TOWN'S 'MERCHANT PRINCE'

Source: Cape Archives, A 2331

annual tax exceeding six shillings (clause 1). Those householders who paid tax exceeding £1 were eligible for election as commissioners (clause 23). However, the franchise and qualifications proposed by Hamilton Ross were restrictive. The financial qualification for householders was raised to £25 (clause 61), and wardmasters and commissioners had to be 'proprietors of landed property' valued at not less than £500 and £1 000 respectively, as well as paying higher taxes (clauses 18 and 11). Ross apparently sought to install a relatively exclusive form of local government which would be dominated by a propertied élite.

One of the most striking features of Ross' draft is that it made provision for a Board of Wardmasters. Ross proposed to divide Cape Town into 50 wards, from each of which two wardmasters would be elected (clause 2). The role of this board, however, was limited. Responsibility for municipal affairs would rest mainly with the Board of Commissioners.

Although the 1839 Ordinance did not adopt a two-board system, it did make provision for wardmasters, reducing the number of wards proposed by Ross to 48 (clause 3). But their duties were nowhere defined. The Board of Commissioners was retained, each commissioner representing one of the twelve districts of Cape Town. A single district contained four contiguous wards (clauses 2 and 7). The 1839 Ordinance also restored the lower 1836 qualification for householders but accepted the higher qualification for commissioners proposed by Ross. However, any householder could be proposed for election as a wardmaster, so long as he resided in the appropriate ward (clause 13). All tax qualifications were dropped. These provisions were adopted unmodified by the 1840 Ordinance, except that it was explicitly stated that no female was deemed to be a householder (clause 4). It appears that women had participated in the meetings of householders during 1839. As preparations began anew for municipal elections, the Zuid-Afrikaan observed that a few amendments would be required in the lists of voters,

'consequent upon the removals or deaths of certain Householders and the declared disqualification of female Householders!'⁴⁷. The final result of the franchise and qualifications established by the 1840 Ordinance was hardly democratic. Only about one-tenth⁴⁸ of the city's total population qualified as householders and the Board of Commissioners was effectively restricted to the wealthiest landed proprietors. Indeed, only 326 men qualified to stand for election as commissioners in 1842⁴⁹, out of an overall population of about 22 000⁵⁰. In sum, ownership of property became the key to local political influence.

Although only a minority of town residents might have qualified as householders, the 1836 Ordinance allowed those householders ample participation in municipal affairs by means of public meetings⁵¹. In Ross's 1837 draft, however, the role of the public meeting was reduced⁵². Porter's 1840 Ordinance made further alterations to procedure. The duty of the initial committee elected by the householders was to be merely that of compiling the lists of persons who qualified to vote as householders and to be elected as commissioners, a 'checking' provision that had been originally proposed by Ross. It was the commissioners (not the householders'

47. ZA, 13 March 1840.

48. In December 1847 the Secretary to Government, John Montagu, calculated the number of people qualified to vote in the Cape Town municipal elections to be 2 209: GH 28/41, Montagu to Smith. 3 December, 1847.

The total population of Cape Town (all races) in 1848 was given as 23 749, of which 11 517 were males: Cape Blue Books, 1848.

The number of voters represents about 9,3 per cent of the overall population, and about 30 per cent of the total adult male population.

49. 1/CT 11/84, 'Alphabetical list of Persons qualified to be elected Commissioners'.

50. The total population of Cape Town in 1843 was given as 22 543: Cape Blue Books, 1843.

51. The meeting of householders elected the committee to frame the town regulations, approved and amended these regulations, assessed and approved the rates, and elected the municipal commissioners. Yet its powers were not limitless; the regulations had finally to be ratified by the Governor, with the advice of the Executive Council.

52. Rates were to be assessed by the commissioners, and approved by the wardmasters, although householders had the right to object to the proposals (clause 39).

committee) who were to draw up the regulations, and then submit them for approval to the wardmasters. If these two boards disagreed, a meeting of householders would be convened to decide on the points of difference (clause 18). Should the Governor disallow any regulations, they would be returned to the commissioners to be drafted de novo (clause 20); this resolved the problem of a deadlock. Far from being 'liberal', Porter's modifications reduced further the influence of the public meeting, and transferred added authority to the commissioners. Furthermore, the Executive secured the power to make the final ruling, with regard to the municipal regulations.

By contrast to their English counterparts, the municipal commissioners at the Cape were allocated a wide range of responsibilities. The only compulsory duty imposed on the new town councils in England in 1835 was the establishment of borough police forces⁵³. In terms of the 1836 Cape Ordinance, the commissioners were empowered to appoint street watchmen, to provide fire engines, to erect lamp posts, to lay water pipes, to erect bridges, reservoirs and fountains, to keep streets in good repair, to establish markets, to enforce regulations on weights and measures, to enter into contracts for work and materials, to dispose of municipal property and to abate public nuisances. These duties were repeated in the Cape Town municipal ordinances, with the addition of the powers to assize the quality of bread and meat and to supervise pasture lands. Perhaps with the abuses and irresponsibility of the Burgher Senate in mind, specific measures dealt with the control of finances. The commissioners were to appoint a treasurer (who was obliged to pay a security), to keep a book of accounts and to publish annual statements. Similar provisions were found in the 1837 draft and in the subsequent 1839 Ordinance; both also required the publication of annual estimates.

53. The Whigs saw in municipal reform a means of dealing with law enforcement, in the aftermath of the 1830/31 riots in England. Fraser, Victorian City, Ch. 1.

Porter introduced even more rigorous controls. The 1840 Ordinance required that all monies collected be deposited in a bank, and that all payments be made by cheques, signed by the treasurer and countersigned by two commissioners (clause 48). Auditors, elected by the wardmasters, were to check the municipal accounts (clause 49). A book of proceedings had also to be kept, and the minutes recorded in English (clauses 39 and 44). These provisions were designed to enforce greater efficiency and control. Although the commissioners retained a large measure of financial responsibility, their decisions were subject to the scrutiny and approval of the wardmasters.

Porter also altered the role of the Board of Wardmasters. Ross had envisaged that the main function of this Board would be to approve the municipal accounts, the rates assessed by the commissioners, and any amendments made by the commissioners to the original regulations. The wardmasters were also to keep a registry of all the houses in their respective wards (clause 25). Ross had intended to invest fundamental control of town government in the Board of Commissioners, with the wardmasters playing only a subordinate role. The 1839 Ordinance abolished the Board of Wardmasters altogether. But it did restore a degree of influence to the resident householders, who were to meet to assess the annual rates (clause 37).

Porter's 1840 Ordinance, while minimising the role of the public meeting, allowed the wardmasters greater participation in municipal affairs. This is where the element of compromise can be discerned. The Board of Wardmasters regained its powers of approving regulations and annual accounts. It was additionally required to approve the estimates of revenue and expenditure (clause 42) as well as any decisions made by the commissioners to purchase or rent premises (clause 65). Furthermore, rates were to be assessed by the commissioners' and wardmasters' meeting jointly (clause 43). While the commissioners were not

entitled to be paid any salary (a principle first established by the 1836 Ordinance), wardmasters could act as rate collectors and receive the commission for this job (clauses 46 and 48). This attempt to create a more equal balance between the two boards might have stemmed from Porter's conciliatory spirit. The Attorney-General possessed an ability to see both sides of a question, a quality which also made him 'somewhat Hamlet-like' and accounted for one of his chief weaknesses, indecision⁵⁴. In practice, the two boards were often at odds, drawn as they were from different social strata.

Was Porter, then, the 'liberal' innovator who had restored the Board of Wardmasters, or the defender of property and executive authority? His modifications of the constitution of the Municipality of Cape Town both limited the rôle of the resident householders and guaranteed the power of Executive Government to make the final and binding decisions in the matter of town regulations. The authority of the Board of Commissioners, based on an exclusive property qualification, was enhanced through its right to initiate the regulations and its control of finances. But it was, to some extent, counter-balanced by the Board of Wardmasters.

The wardmasters could be drawn directly from the householders; their election was not dependent on the property qualification proposed by Ross. In addition, they were granted a fuller participation in municipal affairs than that envisaged by Ross. The significance of the Board of Wardmasters lies in the fact that it was resuscitated in a more active mould after the 1839 Ordinance had sought to extinguish it.

Addressing the Legislative Council in 1843, Porter referred to the opportunity he had been given

'... of evincing, in the preparation of the

54. Putzel, 'William Porter', pp.3-4.

present Cape Town Ordinance, my desire to confer powers and privileges in no niggard 55 or unfriendly spirit ...'

It would be inaccurate, however, to perceive him as liberally extending new privileges to the citizens of Cape Town. His contribution entailed a compromise which largely deprived the householders of direct participation in town government but allowed them indirect influence through the Board of Wardmasters - a compromise which upheld the authority of the commissioners but which simultaneously subjected their actions to the approval of the wardmasters. Commenting on the operation of the two boards, the Zuid-Afrikaan observed that the function of the commissioners was 'both legislative and executive', whereas that of the wardmasters was 'purely legislative and a check upon the executive duty of the Commissioners'⁵⁶.

There can be little doubt that Porter was a supporter of executive authority. When he consolidated the principle of executive assent to municipal regulations in 1840, he was fully aware of the precedent of the 1836 Ordinance: in 1843 he referred to the 'arbitrary and irresponsible veto' conferred on the Executive by this ordinance⁵⁷. Yet he does not appear to have advocated indiscriminate executive power. In the same speech he refers to 'the principle of concurrent legislation' by which the municipality could not make regulations without the Government, and vice versa. He was, he insisted, 'neither in principle nor in practice hostile to the careful maintenance of every privilege to which representative municipalities can

55. W. Porter, The Porter Speeches, (Cape Town, 1886), p.180.

56. ZA, 1 January, 1841.

57. W. Porter, Speeches, p.303. Porter appears to have used the word 'irresponsible' in the sense of not having to 'justify' one's decisions. He continued: 'Subject only to their own sense of what is just, and to their general official responsibility to a higher quarter, they may veto every regulation that comes before them without giving, and it may be, without having, the slightest reason for the act.' Address to Legislative Council, 18 December, 1843.

reasonably pretend'⁵⁸.

Porter was also responsible for introducing a bill which amended the 1840 Ordinance. It was passed as Ordinance No. 14 of 1848, 'for the better regulation of the Municipal Board of Cape Town'⁵⁹. Only one wardmaster was now to be elected per ward, because the number of wardmasters originally required was 'inconveniently large' (clause 6). More importantly, it permitted the municipality to sign contracts with any joint-stock company in which commissioners might also be shareholders, without such commissioners being disqualified from office (clauses 1 and 2). The measure had become necessary after the Municipal Board had signed a contract with the Cape of Good Hope Gas Light Company, to 'furnish and fix' 100 gas lamps for the streets of Cape Town⁶⁰. Amongst the shareholders of this company were certain of the commissioners⁶¹. Had this action not been vindicated by the 1848 Ordinance, it would have been illegal. But Porter himself had a direct interest in the matter. He was chairman of the Gas Light Company at the time, and continued to serve in this capacity for at least a decade and a half⁶². This specific evidence of the Attorney-

58. The outcome of these discussions was Ordinance No. 2 of 1844, which facilitated the alteration of regulations by removing certain time limits imposed by the 1836 Ordinance. But it also amended the qualifications for householders and commissioners. All tax qualifications were abolished and commissioners were henceforth required to be proprietors of immovable property valued at not less than £300 (clauses 6 and 7). Although these amendments brought municipal government in the smaller towns closer in line to the scheme applied to Cape Town, the qualification for the commissioners had been raised considerably. In this attempt to restrict effective municipal authority to the wealthier property owners, the hand of Porter can again be detected.

59. CCP 6/6/1/1 (Statute Law 1714-1853), pp.908-13. The Bill was introduced into the Legislative Council by Porter on 31 October, 1848, and passed on 8 November: LCA 3 (Minutes), 1845-52), pp.366-69.

60. 3/CT, 11/1/2 (Contract Book), item 237. Dated 4 March, 1847.

61. Preamble to Ordinance No. 2 of 1848. From the Almanac it has been possible to identify two of the commissioners from the 1847 Board - F.H. Kunhardt and J.M. Wentzel - who were directors of this company.

62. Porter became chairman in 1848 after the death of Baron von Ludwig, principal founder of the Gas Light Co. He was still holding this office in 1862, but after this date the Almanac no longer recorded the committee of this company.

General defending the material interests of the landed proprietors on the Board of Commissioners, lends persuasive support to Kirk's view of Porter as a protector of property. His 'defence of property' should, however, be interpreted in the wider sense of an alliance with commercial interests. As well as being a major shareholder in the Gas Light Company, he also held shares in numerous local banks, insurance and joint-stock companies including concerns in which many municipal commissioners had invested⁶³.

The system of municipal government created in Cape Town had been vigorously attacked by an author of several books on the city's history. H.W.J. Picard upholds the view of the contemporary local press that the 'landlords' on the Municipal Board were solely occupied with 'playing with politics' and 'seeking [sic] their own interests'. He continues,

'If ever a premium was put on the greatest weakness of human nature, it was done in the Ordinances of the Government of the Cape Colony in 1840 and 1848. One might say that it put corruption on a legal basis. That is the reason why primarily this Government must be held responsible for the mismanagement of Cape Town ... and not the individuals who sat ... in the old Town House with foremost in their minds some means and ways through which they could at least be compensated for the many hours of work they put into the running of the municipality and the moneys [sic] they contributed to the police force. Only saints would not have thought of the shares they held in building, contracting and supply firms ...'

His explanation, however, is not entirely correct. The

63. MOOC 13/1/397 (73 + 74). Such concerns in which Porter held shares included the South African and Cape Commercial Banks, the Equitable Marine and Fire Insurance Companies and the Cape Town Tramway Company. Porter made a considerable fortune from his investments (over £55 000) in five banks, 14 insurance companies and eight joint-stock companies in Cape Town, Grahamstown, Natal and the Transvaal.
64. H.W.J. Picard, Grand Parade. The Birth of Greater Cape Town, 1850-1913, (Cape Town, 1969), pp.70-71.

municipal contribution to the police force did not come from the pockets of the commissioners, as Picard implies. It appears as a regular item on the municipal accounts and annual estimates of revenue and expenditure. More significantly, it became one of the issues on which the municipality conflicted with the executive government. For the moment, its origins need briefly to be outlined.

In England it was the practice to allocate the responsibility for the borough police force to the town councils. By contrast, control of the police force in Cape Town fell under the colonial administration. When Sir George Napier arrived at the Cape early in 1838, he found that the existing police system was both inefficient and ineffectual. Its reform was initiated by means of Ordinance No. 2 of 1840. A reorganised force was established along the lines of the London Metropolitan Police. It was nominally headed by the Judge and Superintendent of Police, the rather incompetent and ageing Baron de Lorentz, who had held this office since 1826. But its organisation and disciplinary control, in practice, fell under Inspector John King, a dynamic officer who had been personally selected by Napier's friend, Colonel Rowan of Scotland Yard⁶⁵. The new police force was regarded in official circles as a success; in July 1848, Chief Justice Wylde 'strongly eulogised the efficiency and watchfulness of the Cape Town Police'⁶⁶. But it failed to win the admiration of the Municipal Board, which clashed with De Lorentz on several issues. It appears that the commissioners resented that fact that while they partly financed the upkeep of the police force⁶⁷, they possessed

65. A. F. Hattersley, The First South African Detectives, (Cape Town, 1960), pp.30-39 and 46-52. The force in 1840 included one inspector, four sub-inspectors, four sergeants and 37 constables. Inspector King was a vigilant administrator who set up an effective routine of police surveillance. The members of the forces were paid and also subject to a professional code.

66. Ibid., p.56.

67. Clause 50 of the 1840 Municipal Ordinance obliged the commissioners to pay an annual contribution determined by the Legislative Council. In 1842 the contribution to the police force was £1 886, and the total expenditure was £13 859. Estimates for 1843 were £1 863 and £12 082 respectively. The contribution was thus about 14 per cent or one-seventh of the municipal expenditure: GG, 13 January and 27 January 1843.

little authority over police action. The dispute between the Cape Town Municipality and the police force was to form part of the growing conflict between the Town House and the colonial government during the mid-century period.



H.C. JARVIS, CHAIRMAN OF THE MUNICIPALITY

Source: Cape Archives, 14854

CHAPTER I

MID-CENTURY CAPE TOWN

The middle decades of the nineteenth century marked a period of transition in the history of the Cape, as a new society gradually emerged from the old. In the terminology of Professor A.F. Hattersley¹, this period represented the passage from 'the age of immaturity' to 'the age of maturity'. Change was manifest at all levels. Authoritarian imperial political control slowly gave place to new political institutions based on 'the principle of government by consent'². Improvements in communications, the growth of foreign trade and wool farming, and the expansion of banking introduced a period of rapid economic advance. Although agriculture still dominated the economy, extensive farming (cattle and wool) soon exceeded in importance the intensive farming (wine and wheat) of the coastal regions³. Finally, new social relations accompanied economic change and the evolution of a post-emancipation order. The political and economic predominance of Cape Town ensured that it would play a crucial role in the formation of the new society.

Mid-century Cape Town was undergoing a slow metamorphosis from a sedate, parochial town to a busy commercial and cultural centre. In the late 1830s it was a neat little town nestling in Table Valley:

1. A.F. Hattersley, An Illustrated Social History of South Africa, (Cape Town, 1973).
2. T.R.H. Davenport, 'The Consolidation of a New Society : the Cape Colony', in The Oxford History of South Africa, vol I (Oxford, 1969), p.273.
3. C.G.W. Schumann, Structural Changes and Business Cycles in South Africa, 1806-1936 (London, 1938), pp.104-105.

'The houses are chiefly flat-roofed, and white-washed, with green doors and windows. Some of them are spacious and convenient, with an elevated terrace in front. The streets cross each other at right angles and from the regularity and neatness of the whole, a stranger on his arrival receives the most favourable 4 impressions ...'

By the 1850s Cape Town still retained its rustic aspect, but there were signs of expansion and commercial development. Arriving in 1853 W.H. Rabone, founder of the Graaff-Reinet Herald, described the city as

'... not only substantial, but in many parts noble, containing fine shops and warehouses, and public buildings which indicate such good taste in the designers. Many parts are enlivened with trees, and the public garden and botanical gardens are especially attractive ...'⁵

The higher reaches of Table Valley were as yet largely uninhabited and bloomed with vineyards, orchards and fields of wild flowers.

But Cape Town also had its cruder, more primitive side. Writing in 1894, the famous journalist R.W. Murray ('Limner') recorded that

'Forty years ago even the metropolis of Cape Town hadn't a pavement on which you could walk twenty yards without running against a flight of stone steps that led up to an ungainly stoep. There was a broad open drain, about six feet wide, running from the Government

4. B. Shaw, Memorials of Southern Africa, (London, 1841), p.14. (The author was a Wesleyan missionary who had worked in South Africa from 1815 to 1837.)
5. A. Rabone (Ed.), Records of a Pioneer Family, (Cape Town, 1966), pp.87-88. An extract from the diary W.H. Rabone kept on his voyage from London to Algoa Bay, entry dated 1 October 1853.

Gardens through Adderley Street to the Bay. This drain was the main sewer of the city into which all the dirt and offal were emptied ...

Slaughtering shambles were attached to the butchers' sale stores, and the drainage from the shambles - blood and offal - coursed along the margin of the Bay, and a good deal of it was left in a state of putrefaction ...' ⁶

Contemporaries constantly complained of the unsanitary condition of Cape Town. The waterfront area was particularly offensive: added to the pollution from the Shambles was the stench of fish with which the shore was strewn. Most of the streets were littered with smelly refuse, poorly drained and unpaved, dust-swept in summer and quagmires in winter⁷. Slum 'pest holes' existed in the overcrowded lanes neighbouring Harrington Street, Primrose Square, Keerom Street and the Waterkant⁸. Outbreaks of disease were to be expected. A smallpox epidemic hit Cape Town in 1839, and the loss of life was blamed chiefly on 'the filthy state of the town'⁹. In 1840 there was a serious incidence of measles. Smallpox struck again in 1858, while outbreaks of cholera were common in the 1860s.

Irregular and half-hearted attempts were made to improve the streets of Cape Town, and modern technology slowly began to alter the appearance and the life of the town. During the 1850s a start was made on paving the streets, arching over the canals, filling in the 'grachts' and demolishing the stoeps, and Strand Street was 'macadamized'¹⁰. (Although systematic lighting of the main thoroughfares began only after 1869, a few gas lamps had been installed in Adderley

6. R.W. Murray, South African Reminiscences, (Cape Town, 1894), p.2.
7. H.W. Picard, Grand Parade. The Birth of Greater Cape Town, 1850-1913, (Cape Town, 1969), pp.3-6. *
8. Hattersley, Social History, p.179. *
9. SACA, 6 May, 1840 (Editor).
10. P.W. Laidler, The Growth and Government of Cape Town, (Cape Town, 1939), pp.310-311.
J.R. Shorten, Cape Town - The Golden Jubilee of Greater Cape Town, (Cape Town, 1963), p.131.

and St George's Streets by 1847¹¹.

A transport and communication revolution was also in progress¹². In the 1840s the introduction of the light, fully-enclosed and comfortable omnibus marked an advance over the springless, open cart. Omnibus services were established, providing public transport between Cape Town and the outlying towns of Stellenbosch, Paarl and Malmesbury, and the villages of Wynberg and Simon's Town. By 1852 there were some 20 arrivals and departures daily of buses plying between Cape Town and the villages.) With the completion of the hard road across the Cape Flats and the opening of mountain passes, a regular postal service between Cape Town and the chief centres of population in the colony was instituted; the rapid Royal Mail Coach now replaced the former pack-horses. The 1860s saw the age of rail transport. In 1863 a horse-drawn tramway service to Sea Point was established, while an energetic spate of railway building opened routes to Stellenbosch (1862), Wellington (1863) and Wynberg (1864). Cape Town was moving haphazardly but inexorably into a modern era. The capital, observed a journalist in 1858, 'with its omnibuses, cabs and elegant shops, is gradually partaking more of the character of an English city'¹³.

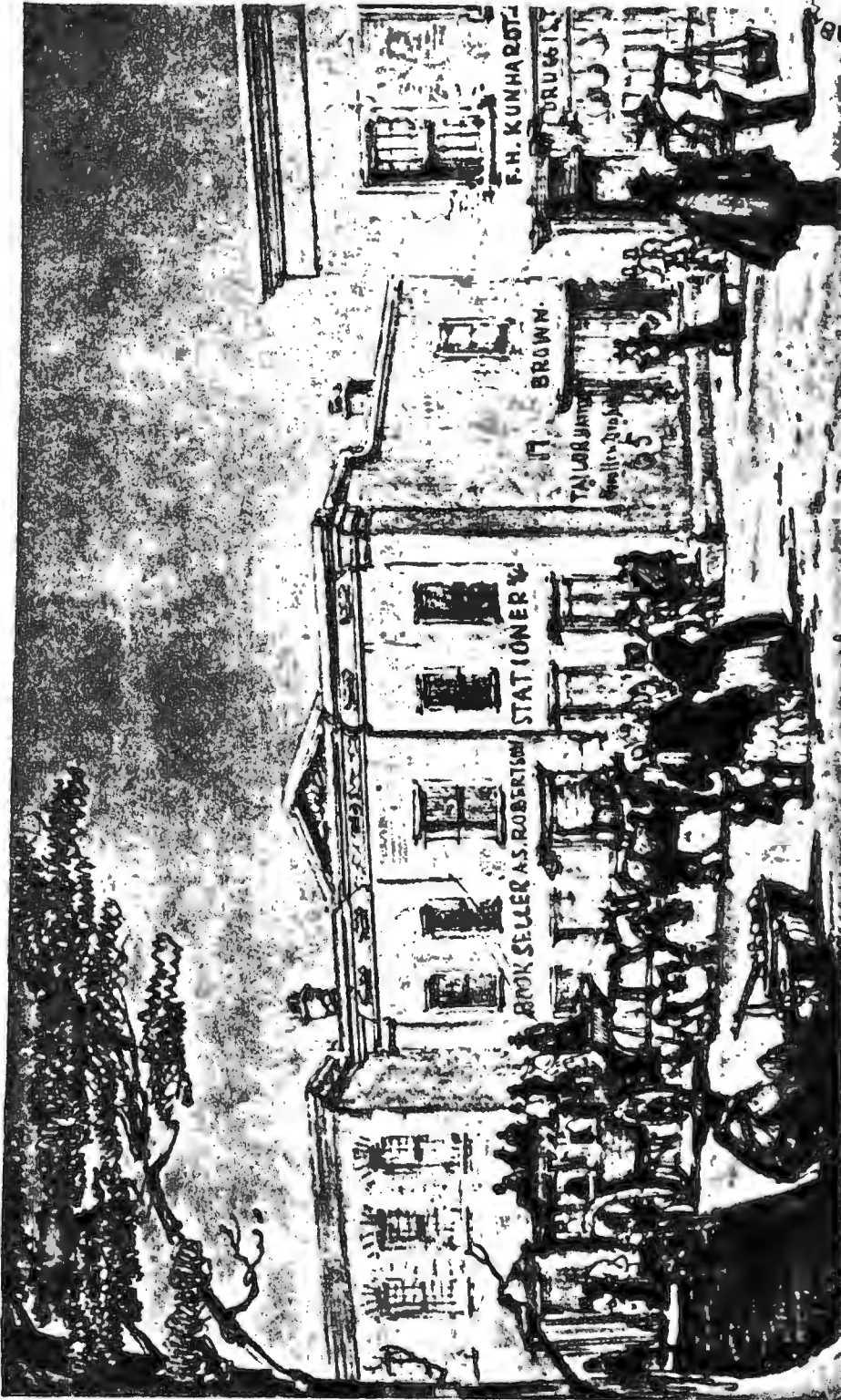
The changing character of Cape Town was symbolised by the transformation of 'Gentleman's Walk'. In the 1820s the Heerengracht was still 'an avenue or rather a promenade attracting the cream of Cape Town's society to the shade of its trees ...'¹⁴. During the 1830s a 'mixture of intellect, profession, wholesale and retail rubbed shoulders with each other' but by the 1850s it was 'just an ordinary

11. Shorten, Cape Town, p.135. *

12. The following section is based on: P.R. Coates, Track and Trackless Omnibuses and Trams in the Western Cape, (Cape Town, 1976), pp.14-36; Shorten, Cape Town, p.131; C. Pama, Bowler's Cape Town, (Cape Town, 1977), p.40.

13. Cape Monitor, 9 January 1858, quoted in Hattersley, Social History, p.177.

14. H.W.J. Picard, Gentleman's Walk. The Romantic Story of Cape Town's Oldest Streets, Lanes and Squares, (Cape Town, 1968), p.173.



ADDERLEY STREET, 1851

Source: F. Bradlow, Thomas Bowler. His Life and Work

street with sidewalks and shop signs instead of a canal, trees and proud names on the doors of Dutch-Cape [sic] gabled houses'¹⁵. Cape Town was growing into a thriving centre of commerce and trade. The 1847 Almanac, keen to encourage trade, advertised that the 'markets for domestic consumption present abundance in bread, meat, vegetables, and fruit in general', while the retail shops were 'rich in variety and moderate in prices'. The now-familiar Saturday fair on the Parade was, in 1847, 'a new feature in our trade affairs'. Another bustling corner was the new town market behind the Castle, off Sir Lowry Street, where 'produce of every description' was brought in by ox-wagon, and 'men and women of all colours and climes' congregated daily.

Mid-century Cape Town was still the commercial centre of the colony, serving the largest urban population, the military establishment and the sea traffic passing through Table Bay. Until about 1850 it was the major trade outlet of the colony, after which its dominance was challenged by the Eastern Province ports, which handled the bulk of the wool exports¹⁶. Cape Town was also the main market for agriculture. Merchant houses made handsome profits buying produce from the interior for re-sale and export, and selling, in return, hardware, sugar, coffee and other imports to the farmers¹⁷. (The multiplication of various financial and commercial organisations from the late 1830s testified to a period of general commercial expansion that lasted until the depression of the 1860s.) Cape Town in 1854 could boast of six banks, 12 joint-stock and insurance companies and an active mercantile association, the Commercial Exchange, forerunner of the Chamber of Commerce

15. Ibid., pp.175 and 177.

16. D.W. Rush, 'Aspects of the Growth of Trade and the Development of Ports in the Cape Colony, 1795-1882', (Unpublished M.A. thesis, UCT, 1972), pp.5-6.

By 1850 more than 70% of total exports from the Cape came from the Eastern Province. Ibid., p.29.

17. O. Jenkins, 'One Hundred Years of Cape Town Commerce' in The Buyer, Vol.VIII, No.11, November 1840, pp.37-44.

which was established in 1861¹⁸.

The financial and business resources of Cape Town enabled it to maintain its economic predominance and to enter into direct rivalry with the Eastern districts. Western capitalists extended financial assistance to frontier farmers, competed with Eastern firms in the purchase of wool and in the 'Kaffir trade', and monopolised the coastal steamship service and the banking system¹⁹. Commercial growth was also reflected in the rapid increase in both imports and exports between 1830 and 1850, a trend which continued into the next two decades²⁰. Until foreign trade came to be dominated by wool exports, its growth was due almost entirely to the entrepôt trade at Cape Town, where the government-bonded warehouses were sited. This trade largely consisted of the re-exportation to Britain, the Netherlands and South America of cotton goods from India, spices and drugs²¹. Industry in Cape Town was small-scale and existed essentially to serve local needs: candle, soap, hat and snuff manufacturers, canneries, breweries, water and steam mills. Between 1840 and 1854 the number of local industries increased substantially (from 35 to 53) and included such advances as a steam printing press, a gas plant and four soda-water factories²². But the Cape still relied mainly on imports for manufactured articles (particularly textiles) and industrial products, as well as for supplementary foodstuffs²³. The 'boom atmosphere' that prevailed during the 1850s was evident in the copper-

18. E.H.D. Arndt, Banking and Currency Development in South Africa, (Cape Town, 1928), pp.235-244.
Almanac 1853, p.99. (See Appendix B for list of banks and insurance companies.)
19. B.A. Le Cordeur, The Politics of Eastern Cape Separatism, 1820-1854, (Cape Town, 1981), pp.123-125.
20. Rush, 'Growth of Trade', pp.29 and 38.
Schumann, Business Cycles, p.105.
21. Rush, 'Growth of Trade', pp.30-31.
22. Cape Blue Books, 1840 and 1854.
23. Rush, 'Growth of Trade', p.40.

mining mania of 1854²⁴. Discoveries of copper produced a rush to Namaqualand while new companies 'sprung up more suddenly than mushrooms'²⁵. By 1855 nearly all the companies were insolvent; the bubble had burst.) It was the discovery of diamonds and gold that was to jolt Cape Town into a new era in the 1870s, as immigrants flooded in, imports (mostly bound for the mines) rocketed and the number of ships calling at Table Bay escalated²⁶.

Apart from being a bustling seaport with cargo boats plying between ships at anchor and the wooden jetties on the shore, with its taverns, hotels and chandler stores, and its Coloured fishermen populating the Waterkant, Cape Town also prided itself on being a civilised society.

Cultivated Capetonians frequented social clubs, choral groups, art classes and literary and scientific societies²⁷. Businessmen gathered to discuss commercial affairs or to read newspapers at the Commercial Exchange, the social hub of the city, where balls, concerts, lectures and public meetings were held.

A dramatic increase in the number of ecclesiastical and educational facilities was also evident in this period. Between 1840 and 1854 the number of churches and chapels rose from nine to seventeen²⁸. Significant developments included the re-opening of the renovated Dutch Reformed Church in the Heerengracht (Adderley Street), the foundation of the first permanent Jewish Congregation in 1841, the arrival of the first Anglican Bishop, Dr Robert Gray, in 1848, and the construction of the Roman Catholic Cathedral of St Mary's in 1851. In the same period the number of

24. Schumann, Business Cycles, p.77.

25. Murray, Reminiscences, p.17.

26. Rush, 'Growth of Trade', p.59. The number of ships calling at Cape Town rose from 549 in 1869 to 1 048 in 1879.

27. Hattersley, Social History, p.182.

28. Cape Blue Books, 1840 and 1854.

schools (excluding the South African College, which had opened its doors in October 1829) grew from four to fourteen. Most were racially mixed, but some catered especially for the children of 'Malay and Negro Parents'²⁹.

During the mid-century period there was a slow rise in the population of Cape Town³⁰, after a temporary decline during the years 1839-1841, when a high mortality rate resulted from the measles and smallpox epidemics³¹. A notable demographic feature of the period was the changing ratio of Whites to 'Coloureds'. (In 1839 Whites were in a slight majority, forming 52 per cent of the population. The position was reversed in 1842, when the non-White population made up 57 per cent of the total³². These statistics suggest an influx of non-Whites into the city, a development which did, in fact, occur following the final emancipation of slaves in 1838. Many of the freed apprentices migrated to Cape Town, often to settle in the overcrowded, shabby quarters of the town which were particularly vulnerable to disease³³. While farmers struggled with labour shortages, former slaves became vagrants, squatting on the Cape Flats, or found employment in the lower trades. Some, particularly the Malays, became fishermen, while others managed to acquire property of varying value³⁴.) By 1856 the balance

29. Ibid.

30. Total population: 1839 - 20 256 (10 596 Whites, 9 666 Coloureds)
 1843 - 22 543
 1848 - 23 749
 1856 - 25 189 (13 593 Whites, 11 596 Coloureds)

Source: Cape Blue Books.

31. Unusually high death figures were recorded for 1839 (1 113) and 1840 (973): Cape Blue Books, 1839 and 1840.

32. Almanac, 1847. Synopsis from a census conducted by the Municipality in 1842. (9 359 Whites, 12 481 Coloureds, Total = 21 840.)

33. E. Hengherr, 'Emancipation - and after. A Study of Cape Slavery and the Issues Arising from It, 1830-1843'. (Unpublished M.A. thesis, UCT, 1953), p.79.

34. Ibid., pp.81-82.

had altered again, with Whites making up 54 per cent of the overall population. This shift may be accounted for by the Cape's assisted immigration scheme, which aimed to meet the demand for domestic servants and for 'mechanics' to work on the road-building project set up by the Colonial Secretary, John Montagu³⁵. Between 1845 and 1850 some 4 500 immigrants arrived in the colony³⁶, most of whom settled in the Western Cape³⁷.

A picture of mid-century Cape Town can be obtained from a study of the street directory of 1848 compiled by the publisher and journalist Suasso de Lima. De Lima's Almanac has several advantages over the usual Cape Town Almanac. Instead of listing residents (with their address and occupation) alphabetically, it is arranged according to street and municipal district. Although De Lima worked from the Almanac³⁸, the entries in his directory are more detailed. For example, the householder of 56 Keerom Street is a Malay priest, but living in the same house are two butchers, three masons and three labourers³⁹. De Lima also includes a number of back-street lanes which are not found in the typical Almanac⁴⁰. However, the picture

35. Hattersley, Social History, p.186.

36. Ibid., p.187.

37. Le Cordeur, Separatism, p.126.

38. De Lima's directory includes annotated lists of residents taken from the Almanac, which he apparently re-assembled under street listings.

39. De Lima Almanac 1848, p.89. There is also the delightful reference to nine Chinese men living in Elbow Lane - Asat, Ajoet, Akon, Ajie, Ajoen, Akan, Atjung, Alok and Atjong! Ibid., p.221. It is likely that De Lima actually visited the town while compiling his directory. This was certainly the case when he compiled a second directory, the Post Office and General Directory for 1855. In the preface to this volume he claimed that in order to obtain accurate figures he had 'not left unvisited a single house, situated in any nook or corner, street, gracht, lane, passage, court or yard ...', a task which he accomplished unassisted. One of the difficulties he found in 1848 was that there were 'still many of the streets not yet named'. These were presumably not included in his first directory, which would partly account for the small size of the population recorded in his 1848 Almanac.

40. For example, 'Yard behind No. 15' [Pepper Street]; 'Andr. Brink's private yard': Ibid., p.97.

that De Lima's Almanac yields is at best impressionistic. There are good reasons for caution. The directory contains only about 5 000 entries, but the total population was over 22 000. Obviously only adults are included, but the emphasis appears to be on the economically active. A computer analysis of De Lima's Almanac under two main categories, area of residence and occupation, reveals, for example, that about 20 per cent of those listed were engaged in 'commercial' occupations. (This includes both the 'commercial class' and tradesmen and shopkeepers⁴¹.) But according to official statistics the number of people employed in 'commerce' was only about 10 per cent of the total population⁴². The inflated estimate derived from De Lima's Almanac appears to confirm its concentration on a narrower sample - the economically active population. Yet, despite its limitations, it is a useful source for compiling a profile of the city.

In the analysis of De Lima's Almanac, six areas of Cape Town corresponding to municipal divisions were reviewed⁴³. The 'Waterfront' area (Districts One and Two), embracing the portion of the town on the shore side of Strand Street, contained a substantial fishing and labouring population, and a smaller group of artisans and tradesmen. This impression is confirmed by the 1840 report compiled by the wardmasters specially appointed to investigate residential conditions amongst the 'poor' following the smallpox epidemic of 1839⁴⁴. The report on Ward One noted that

41. See Appendix A. The statistics obtained include only those whose occupations were listed.

42. Year	Total Population	Persons Employed in Commerce	% of Total
1839	20 256	+ 2 000	10
1856	25 189	2 213	9

Cape Blue Books, 1839 and 1856.

43. See Appendix A and map of Cape Town.

44. CO 490 (item 159) reports dated 5-7 May 1840. The wardmasters included prominent citizens such as Baron von Ludwig, Michiel van Breda and George Greig, and several men who were to serve on the municipality - H.C. Jarvis, R. Waters, C.F. Juritz, J.A. Bam, F.S. Watermeyer and Advocate J.H. Hofmeyr: GG 1 May 1840.

the population consisted 'generally of coloured people, who are principally fishermen, with a few mechanics - it is very dense and their apartments are small and ill-ventilated ...'. Many of the habitations, especially in the 'rear' of Strand Street (where there was a row of 'steegs' or narrow lanes) were dirty, overcrowded 'Hire Houses', while the drains were 'filled with putrid masses of filth' and the neighbourhood stank of drying fish. The area also included the butchers' shambles, and the major shipping agents and merchant houses owned stores and warehouses in Waterkant Street and lower Strand Street⁴⁵, allowing them convenient access to the jetties. The wealthy resided in fashionable Somerset Road, away from the bustle and the odours of the port.

The 'Market Square' area (Districts Three and Five), bounded by the Heerengracht and Strand, Buitengracht and Wale Streets, was the commercial heart of the city. Proportionately the largest number of shopkeepers and tradesmen, businessmen, professionals and the mercantile élite lived or worked here. In the Heerengracht, for example, the offices of six long-established merchant houses and the Cape of Good Hope Bank, founded by J.B. Ebdon, were located⁴⁶. Prominent merchants such as the Mosenthal Brothers, Aron and Elias De Pass, Antonio Chiappini, W. Gadney, George Greig and Co., and O.M. Bergh were based in St George's Street, as well as the printer Saul Solomon, and John Fairbairn, editor of the South African Commercial Advertiser. Three insurance companies, the Union Bank, the South African Bank and the Board of Executors were to be found in the same street⁴⁷.

45. Deane & Johnson, Prince, Collison & Co., Phillips & King, Anderson & Co., and Thomson, Watson & Co. all owned warehouses in these streets: De Lima's Almanac, pp.136-139, 146-148.

46. The merchant houses were Phillips & King, Deane & Johnson, Anderson & Co., Thomson, Watson & Co., Dickson & Co., Borradailes, Thompson and Pillans: Ibid., pp.151-153.

47. Ibid., pp.247-249. George Greig had sold his printing business in 1835 to John Fairbairn to become a merchant and shipping agent in partnership with his brother William, until 1850: DSAB II, p.275.

Second in importance as a commercial centre was the 'Caledon Square' area (Districts Nine and Ten), lying between the Heerengracht and Harrington Street. A number of up-and-coming merchants, agents and retailers owned offices or stores in this area⁴⁸. There was also a poor quarter centred around the 'steegs' adjoining Roeland and Boom Streets. The 1840 medical wardmasters' report found the habitations of the poor in Ward Ten 'thickly occupied' but not 'so bad as in other parts of the Town'⁴⁹. Well over half of those listed in De Lima's Almanac for this area earned a living as domestics, labourers or artisans, which also implies the presence of a sizeable 'Coloured' population. This area also included the notorious 'Irish Town', located in the lanes adjoining Boom and Barrack Streets. It was inhabited by 'degraded' lower class Irish 'intermingled with some English and Scotch'. Most were 'old Pensioners who have generally contracted an insatiable thirst for Spirituous Liquors' and who indulged in 'orgies' of drinking⁵⁰.

The pattern of commercial growth suggested by De Lima's directory is confirmed by other researchers. P.W. Laidler noted that by the 1860s Adderley and St George's Streets 'were rapidly developing into the shopping centres of the town'⁵¹. M. Marshall, after analysing the 1865 Cape Town Directory, found that 'most of the retail shops were in Adderley, Darling, Plein and St George's Streets'⁵². The

48. For example, J.G. Steytler, R.H. Arderne, Levicks and Sherman, C.L. Herman, L.P. Cauvin, E. Norton and A. McDonald owned properties in Grave Street and the Keizergracht (later Darling Street): Ibid., pp.195-196.
49. See footnote 44 above. The location of these medical wards did not always correspond directly to the later municipal districts. They have been plotted on a map in S. Judges, 'Poverty, Living Conditions and Social Relations - Aspects of Life in Cape Town in the 1830s'. (Unpublished M.A. thesis, UCT, 1977), Appendix 5.
50. Attorney-General (Oliphant) to Governor, 25 March 1836: AG 2614, pp.112-113.
51. P.W. Laidler, A Tavern of the Ocean, (Cape Town, 1926), p.173.
52. M. Marshall, 'The Growth and Development of Cape Town', (Unpublished M.A. Thesis, UCT, 1940), p.65.



JOHN BARDWELL EBDEN

Source: Cape Archives, J 7835

exceptionally high value of the properties in the city centre testified to its economic primacy. Statistics derived from the municipal assessment roll (containing property valuations for rate purposes) for 1842 reveal that the average value of property in the 'Market Square' area was £904. By comparison, the average value of property in the neighbouring 'Caledon Square' and 'Lion's Rump' areas was £539 and £372 respectively⁵³. Predictably, the commercial centre was also the main focus of town improvements.

The 'Lion's Rump' area (Districts Four, Six, Seven and Eight), the portion of the town on the Signal Hill side of the Buitengracht and on the Table Mountain side of Wale Street, contained a high concentration of artisans, craftsmen, domestics and labourers⁵⁴. It appears that a Malay Quarter was already emerging in the vicinity of Rose Street, for the medical wardmasters in 1840 found that the houses they visited in Ward Four to be 'chiefly those of Malays and the poorer classes'. There is some uncertainty about exactly when the Malay Quarter was populated by Cape Muslims. Achmat Davids suggests that the process began after 1790⁵⁵, but I.D. Du Plessis states that it was a 'European area' until about 1850⁵⁶. Shirley Judges found that by the 1830s the part of the town corresponding to the Malay Quarter was already an exclusively 'Coloured' area⁵⁷. John Mayson (whose book was originally published in 1861) recorded that the Malays 'earn their living as shopkeepers, masons, carpenters, wagoners, boatmen, tailors, cobblers,

53. 3/CT 7/1/2/1/1. The average value was obtained by dividing the total valuation of each district by the number of properties in each.

54. Three-quarters of these listed in De Lima's Almanac for this area were engaged in these occupations. There was also a small group (10%) of shopkeepers. See Appendix A.

55. A. Davids, The Mosques of Bo-Kaap. A social History of Islam at the Cape, (Cape Town, 1980), p.11.

56. I.D. du Plessis and C.A. Luckhoff, The Malay Quarter and its People, (Cape Town, 1953), p.12.

57. Judges, 'Poverty, Living Conditions and Social Relations', Appendix 5.

seamen, domestic servants, and in other callings They are pre-eminently the fishermen of the Cape. The women are milliners, cooks, nursemaids, housemaids, and washerwomen'⁵⁸. Since these were the predominant occupations in the 'Lion's Rump' area, the evidence suggests that by 1848 there was a large 'Coloured' population living here. Racial mixing was common in certain quarters. Prosperous White businessmen and merchants, for example, resided or owned stores in Chiappini Street, next door to 'Coloured' shopkeepers and artisans⁵⁹. Small poor quarters were found in pockets located around the minor streets and lanes, many of which were 'in a very neglected and dirty state' and overcrowded, with over 20 inhabitants per abode⁶⁰.

The 'Gardens' area (District Eleven) lying above Roeland Street and the 'Constitution Hill' area (District Twelve) behind the Castle were the periphery zones of the town. Since 1820 most of the large estates in Table Valley had been rapidly sub-divided and absorbed by the expanding town⁶¹. The neighbourhood of Hof, Orange and Hope Streets featured small estates or 'gardens' with stately houses where wealthy merchants, descendants of prestigious old Dutch families and local dignatories resided⁶². Properties in this area were expensive and their average value (£644 in 1842) was second only to the 'Market Square' area. According to the occupational ratings derived from De Lima's Almanac, there were apparently few artisans, domestics or labourers living in the 'Gardens'. But the

58. J.S. Mayson, The Malays of Cape Town, (Cape Town, 1963, facsimile reprint), p.15.

59. J.H. Wicht, D.G. de Jongh, M.C. Vos, A.F. Carstens and A. Brink (Ds) all owned properties in Chiappini Street: De Lima's Almanac, pp.191-192.

60. 1840 Wardmasters' Report for ward 8. See footnote 44 above.

61. Laidler, Cape Town, p.376.

62. Residents of the 'Gardens' included, for example, Dutch descendants Advocate J.H. Hofmeyr, Advocate and parliamentarian C.J. Brand and Cape politician Michiel van Breda, prominent merchants H. Foss, G.W. Prince and T. Tennant and distinguished civil servants, Baron C.G. de Lorentz and Sir John Wylde.

bias of this source is very evident in this instance, for the 1840 medical wardmasters drew attention to the numerous poor 'herded together' in the filthy 'hovels' of Tuin Plein⁶³. De Lima, so busy compiling his record of the residents of the existing streets and lanes, could hardly have been concerned with squatters trying to survive on the periphery of the town.

Like the 'Lion's Rump' area, the 'Constitution Hill' area (District Twelve) appears to have contained a sizeable 'Coloured' population, for artisans, domestics and labourers made up the largest portion of the inhabitants listed in De Lima's directory. A few prosperous merchants and auctioneers lived in the better streets of this area, conveniently close to the new town market situated on the Table Bay side of Sir Lowry Street⁶⁴. The growth of the Constitution Hill area (the heart of the future District Six) during the mid-century period was phenomenal. By 1854 it had more than doubled in size, while a more modest expansion was occurring in the vicinity of Lower Buitenkant and Harrington Streets, immediately adjacent to the 'Constitution Hill' area⁶⁵. Since many of the new properties were rows of low-cost 'hire' houses⁶⁶ owned by

63. Report for ward 9. See footnote 44 above.

64. For example, merchants B. Norden, M. Thalwitzer (Sir Lowry Street) and C. McKenzie (Garden 'Hope Lodge') and auctioneers W.L. Blore and L.P. Cauvin (Gardens opposite McKenzie Street); also editor W.L. Sammons (Constitution Street): De Lima's Almanac 1848, pp.199, 229, 231, 251-252.

65.	Area	No. of Properties		% Increase by 1854
		1842	1854	
D1,	W4 (Somerset Road)	95	193	103
D7,	D8 (Upper Bree & Buitenkant, Kloof & Reede Streets)	576	754	31
D9	(Lower Buitenkant & Harrington Streets)	245	311	27
D11	(Gardens)	222	317	43
D12	(Constitution Hill)	326	837	157

Source: 3/CT 7/1/2/1/1 and 7/1/2/1/11, Street Assessment Rolls 1842 and 1854.

66. Properties ranged in value from £54 to £200, and averaged at + £75. 3/CT 7/1/2/1/11 (Street Roll, 1854).

the rising class of landlords⁶⁷, the impression that a substantial 'Coloured' population was moving into this area seems to be confirmed. Vagrants, too, took shelter in this district, congregating around abandoned buildings such as the ruins of the Roman Catholic Chapel off Harrington Street (the chapel was washed away by torrential storms in 1837) and a dilapidated dwelling behind the Castle, named Jones's Castle'. The influx of the 'Coloured' population with its attendant problem of vagrancy, created anxiety amongst the residents of this area. Maximilian Thalwitzer reported that 'the want of a regular police station is much felt in this particular part of the town'. Other residents, fearing bodily attack, found it unsafe to walk the streets after dusk and began to leave the neighbourhood⁶⁸.

Cape Town was also expanding in other peripheral districts. The second most important growth point of the town was along Somerset Road, in the direction of Green Point, while the 'Gardens' was also an area that had expanded substantially by 1854⁶⁹. Expansion obeyed environment: blocked by Signal Hill, Cape Town began to spread slowly up Tamboerskloof and Table Valley and more rapidly towards Green Point. (Town expansion also created lucrative opportunities for Cape Town's landlords. A growing population, noted R.W. Murray rather tartly, 'had to be provided for in the way of house-room. People built where they liked and how they liked, with no object but that of rent'⁷⁰.)

One of the most striking features of mid-Victorian Cape Town was that it was a multi-racial society. Residential mixing was common in certain parts of the town⁷¹ and men of colour could rise in society. 'Some Malays', John

67. See below, p. 65

68. D. Warren, 'The Early Years of "District Six" : District Twelve in the Eighteen-Forties' in CABO, Vol.3, No.4, 1985, pp.13-16.

69. See footnote 65 above.

70. Murray, Reminiscences, p.224.

71. According to Shirley Judges, mixed areas were found in the vicinity of Loop, Dorp and Waterkant Streets: 'Poverty, Living Conditions and Social Relations', Appendix 5.

Mayson informs us, 'have realised considerable property in houses, wagons and horses; and, by establishing vegetable, fruit and smallware shops, have accumulated a few hundred, and, in rare instances, several thousand pounds'⁷². Most schools were open 'to all classes of the community' and 'persons of all grades' attended public meetings. Balls at the Commercial Exchange were frequented 'by all nationalities'⁷³ and in many churches Whites and 'Coloureds' worshipped together. Public transport, too, was multi-racial, as this humorous description of an omnibus journey from Wynberg to Cape Town reveals: 'Here', writes a local lady, 'you may meet fat Malay matrons, jammed side by side with unctuous officials, and mal-odorous nurses reeking with cocoa-nut oil, who almost poison our merchant princes'⁷⁴. The qualifications of the 1840 Municipal Ordinance for Cape Town defining who was eligible as a resident householder or to be elected as a wardmaster or commissioner were free of any racial limitations. Men of colour freely took part in municipal voting and in 1844 a 'Coloured' man was elected as a wardmaster in Cape Town⁷⁵.

But the picture of a racially harmonious society should not be over-drawn. Shirley Judges concludes that racial attitudes were changing and relations between Whites and 'Coloureds' were becoming more hostile.

'Although there was a good deal of ... "racial snobbery", distinctions in Cape Town society were, at the beginning of the [1830s], primarily based on class rather than colour. It seems, however, that the 1830s saw changes in the nature of social relations in Cape Town. The abolition of slavery and the

72. Mayson, The Malays of Cape Town, pp.15-16.

73. Judges, 'Poverty, Living Conditions and Social Relations', p.132.

74. 'A Lady', Life at the Cape A Hundred Years Ago, (Cape Town, 1983 - 3rd edition), p.66.

75. L.M. Thompson, The Cape Coloured Franchise, (Johannesburg, 1949), p.4.

emancipation of the apprentices seem to have re-inforced, rather than broken down, the racial character of the class structure of Cape Town and increased hostility between people of different colours. This combined with the rapid spread of Islam among the Coloureds, which added a fundamental religious difference between White and Coloured people, may help to explain the hardening of racial attitudes apparent by the mid-nineteenth century.' ⁷⁶

There were clear instances of this hardening or racial attitudes. In 1857 the Synod of the Dutch Reformed Church resolved that there should be separate facilities for public worship ⁷⁷. Racial antipathy was also implicit in the attitude towards the touchy question of mixed marriages. 'That some Malays are married to European girls', noted John Mayson, 'is a sad and startling fact. A few of the latter, having formed illicit connexions with Mahometans [*sic*], have adopted a religion and mode of life which their judgment disapproves, but from which they dare not extricate themselves ...' ⁷⁸. An indicator of the changing social climate lay in the hesitant response of the British government to the request for a representative legislature for the Cape. The Colonial Secretary, Lord Stanley, in 1842 feared that representative institutions might be 'perverted into a means of gratifying the antipathies of a dominant caste, or of promoting their own interests or prejudices, at the expense of other and less powerful classes.' ⁷⁹ The provisions for municipal government in Cape Town seemed to confirm this possibility.

76. Judges, 'Poverty, Living Conditions and Social Relations', pp.165-166. Shirley Judges' conclusion challenges George Fredrickson's contention that by the early nineteenth century the social structure of the Cape was still 'a class society in which race mattered in the determination of status but was not all-important': G. Fredrickson, White Supremacy. A Comparative Study in American and South African History, (Oxford, 1981), p.88.
77. Hattersley, Social History, p.121.
78. Mayson, The Malays of Cape Town, p.25.
79. Stanley-Napier, 15 April, 1842. 400 of 1846, pp.4-7. Quoted in J.S. Marais, The Cape Coloured People, 1652-1937, (Johannesburg, 1957), p.209.

Although the 1840 Municipal Ordinance did not discriminate on grounds of colour, election to the Board of Commissioners was subject to an exclusive property qualification. Only wealthy members of the propertied classes were eligible to stand as commissioners, in whose hands lay effective municipal authority.

Emancipation came into full effect after 1838 when the apprentices were finally freed. The former apprentices migrated to the towns and agriculturalists in all parts of the colony complained of serious labour shortages⁸⁰. In Cape Town, too, there was concern over the deficiency of 'common labourers and mechanics', expressed at a public meeting, chaired by John Ebdon, held on 1 July, 1840. A memorial signed by 1 049 inhabitants was subsequently addressed to the Secretary of State, requesting that a sum of £12 000 obtained from the sale of quitrent lands be devoted annually to the 'conveyance of Emigrants to this Colony'. Governor Napier, in transmitting the memorial, admitted that there was 'a general want of labour', but was of the opinion that the situation did not warrant 'a large importation of labour at the public expense'⁸¹. The Secretary of State in his reply discouraged the colonists by concurring with Napier that emigration to the Cape was too expensive to allow of its being financed by the colonial treasury⁸².

Farmers also complained that since 1838 the wages demanded by labourers were exorbitant, and complaints of vagrancy were widespread. A vagrancy law, farmers believed, would stabilise the rate of wages by forcing the 'Coloureds' to find work⁸³. The colonial government could hardly agree

80. Hengherr, 'Emancipation', pp.86-91.

81. Napier-Russell, 15 March, 1841: GH 23/13 (Memorial enclosed).

82. Hengherr, 'Emancipation', p.103.

83. Ibid., pp.92-94. The author found that, except for artisans and domestic servants, the rate of wages had, in fact, not risen after 1838.

to any re-enslavement of the 'Coloured' peoples by such a means, but it did consent to the Masters and Servants Ordinance, finally passed in 1844. This Act represented an attempt to regulate labour regulations, by stipulating, for example, what kinds of work contracts could be drawn up and the manner in which wages were to be paid (but not the rates), and by hindering the illegal apprenticeship of children⁸⁴. Because it made no racial distinctions it has been viewed as a 'liberal' enactment. E. Hengherr claims that it gave 'equal opportunity and treatment to black and white alike'⁸⁵. This view, however, disguises the real intention of the Masters and Servants Ordinance. Described by a current researcher as 'a measure of class domination'⁸⁶, it served to guarantee a supply of cheap labour and to control this labour force. Once drawn into a contract, the labourer had little bargaining power. Desertion was a criminal offence and the worker could be punished for misconduct, several of the misdemeanours being adapted from slave codes⁸⁷.

Magistrates were authorised to settle wage disputes between master and servant, but the latter was at an obvious disadvantage. He could not usually afford the time or money needed to travel to the often distant magistrate's court. Although colour was not mentioned in the ordinance, the attitudes of employers demonstrated their belief that 'Coloureds' were subordinate. In replying to a questionnaire about the workings of the ordinance, sent out in 1846, employers complained that labourers were afflicted by idleness, drunkenness and an 'addiction to vagrancy'⁸⁸. Indeed, most of the employers agreed that

84. Ibid., pp.95-96. The Act was officially Ordinance No. 1 of 1841.

85. Ibid., p.97.

86. E. Boddington, 'Domestic Service : Legislation in the Cape as a measure of control, 1941-1948', paper delivered at the Centre for African Studies Africa Seminar, UCT, 30 May, 1984, p.3.

87. Ibid., pp.3-4.

88. ICA. 'Master and Servant. Documents on the Working of the Order in Council of 21 July, 1846'. Published 1849. Answers were received from Magistrates, Ministers, Justices of the Peace, Fieldcornets, and residents in the country and in Cape Town.

the ordinance was 'too tender to the servant and partly responsible for their labour troubles'⁸⁹. One humanitarian (H.E. Rutherford of Cape Town), however, did not believe the statements about the disinclination of the 'coloured classes' to work: 'I believe the fact to be quite the reverse', he replied, 'when they are punctually and fairly paid ...'⁹⁰.

Social tension existed not only between different race groups but also within the White population. Dutch-speaking colonists had begun, from the last quarter of the eighteenth century onwards, to think of themselves as 'Afrikaner', a term which emphasised that Africa was now their only true home⁹¹. During the 1820s and 1830s, the era of the anglicisation policy, some prominent Afrikaner families in Cape Town and its surroundings, such as the van der Byls and the Cloetes, became fully anglicised, but most Cape Afrikaners remained loyal to their church and the Dutch language⁹². Other leading Afrikaners continued to stress their own 'nationality', based on the cultural elements of language and religion and on a sense of ethnic superiority over the Blacks⁹³. They resented the attempts of British rule to subordinate their culture and language through its social and political reforms. But special contempt was reserved for

'those Englishmen who deign to do us the favour to come and live amongst us, who affect a supercilious contempt for everything colonial, who assume a haughty air and insolent bearing, who are always talking of home, and their great friends there; who, when they have sucked what they can out of the colonial orange, throw the peel and pulp away, go home, and speak

89. Marais, Cape Coloured People, p.204.

90. ICA. 'Master and Servant', p.210.

91. H. Adam and H. Giliomee, The Rise and Crisis of Afrikaner Power, (Cape Town, 1979), pp.97-98.

92. C.F.J. Muller (Ed.), Five Hundred Years. A History of South Africa, (Pretoria, 1969), pp.129-130.

93. Adam and Giliomee, Afrikaner Power, pp.98-100.

or write libellous things about the colony ...'⁹⁴.

English-Afrikaner tensions had a visible effect on social relations. A split lasting a decade occurred, for example, between the English and 'Dutch' freemason lodges in Cape Town. It was provoked by a minor incident in January 1843 in which certain 'Afrikaners' at a dinner held at De Goede Hoop Society Rooms, alleged the Cape Town Mail, refused to toast the Queen. Although the Mail was successfully sued for libel, the damage had been done. Despite the appeals for conciliation by C.J. Brand, editor of the Zuid-Afrikaan and a prominent member of the 'Dutch' Lodge, the 'beefsteak dinner rumour ... was accepted by sections of the English non-masonic community as evidence of anti-British feeling nurtured among Dutch masons secretly meeting at De Goede Hoop'⁹⁵.

By the 1850s, however, the position of the 'colonial Afrikaners' of the Cape as 'a minority group, culturally alienated from the central institutions of that society' was becoming resolved by the movement towards self-government⁹⁶. Indeed, Cape Afrikaners were already playing a significant role in the field of local government. During the years 1840 - 1854 Afrikaners predominated amongst the commissioners of the Cape Town Municipality, while the number of Englishmen on the Board actually declined⁹⁷. The introduction of municipal government was hailed by the press for achieving 'one great object', namely, the political 'amalgamation between the old and new

94. J. Noble (Ed.), Poems, Essays and Sketches by the Late William Roger Thompson, with a memoir, (Cape Town, 1868), p.173. W.R. Thompson was a theologian, journalist and member of the Cape Parliament for Fort Beaufort. For him the ideal type of colonist was the 'Anglo-Dutch Afrikander [sic] in whom Dutch conservatism and English colonial enterprise and progressiveness' were united: Ibid., p.174.

95. A.A. Cooper, 'The Origins and Growth of Freemasonry in South Africa, 1772-1876'. (Unpublished M.A. thesis, UCT, 1980), pp. 122-125.

96. A. du Toit and H. Giliomee, Afrikaner Political Thought : Analysis and Documents, Vol. I, 1780-1850, (Cape Town, 1983), p.22.

97. See below, Chapter II, p.75.

Colonists'⁹⁸. The growing co-operation between English and Afrikaner in local politics reflected a wider change of attitude. Throughout the 1830s and early 1840s English opinion of the Afrikaners had been hostile, founded on the view that the Trekkers were cruelly oppressing the 'aborigines'⁹⁹. By the late 1840s and 1850s, costly frontier wars and the struggle for representative government had altered perceptions. The 'natives' were increasingly regarded as 'uncivilised marauders', while the actions of the Trekkers were retrospectively justified as being prompted by the demands of 'self-preservation'¹⁰⁰. The Anti-Convict Crisis helped to draw together English and Afrikaners in a common cause, and any remaining differences between the two, it was hoped, would be swept away by the establishment of a popular legislature¹⁰¹.

98. ZA, 29 April, 1842.

99. M. Streak, The Afrikaner as Viewed by the English, (Cape Town, 1974), pp.124-126.

100. Ibid., pp.202-209.

101. Ibid., pp.194-195, 212-214.

CHAPTER IICLASS RIVALRY IN MID-CENTURY CAPE TOWN

Commercial growth and town expansion (with its promise of profit from property) was a stimulus to social change. New economic interest groups were emerging to challenge the hegemony of the old, and this change appears to have been reflected in the political alignments during the Anti-Convict Crises (1849) and the dispute over the constitutional future of the Cape (1850-1853). (Tony Kirk, breaking fresh ground, suggests that political conflict contained a distinct element of economic rivalry between two main groups, the large merchant houses and the rising 'commercial middle class'¹. British authority at the Cape, Kirk argues, was bolstered by a 'class of collaborators' comprising the bureaucrats, estate-owners, and British merchants with access to metropolitan financial resources. Cape governors had been instructed to fill the unofficial seats in the Legislative Council from the ranks of the 'chief landed proprietors and principal merchants', hence this 'class of collaborators' enjoyed a 'favoured position' in the local legislature. Its members were politically conservative, followed the established churches, and maintained strong links with their parent countries. (Some of the Cape merchants served as agents for British insurance companies and many of them retired to Europe after making a fortune. In economic matters, too, Kirk contends, this 'class' was conservative: 'while extension to work of proved utility (Table Bay harbour) might appear desirable, speculation in railways or Namaqua copper did not'².

1. T.E. Kirk, 'Self-government and self-defence in South Africa'. (Unpublished D.Phil. thesis, Oxford, 1972). The following synopsis is drawn from pp.310-317, 490-492.
2. *Ibid.*, p.491. See below, p.70. Amongst the 'collaborators' Kirk identifies M. van Breda, the de Smidt family, J.B. Ebden, H. Ross, A. Chiappini, E. Christian, J. Nisbet, W. Dickson & Co.

Another 'class' of colonists, Kirk suggests, had begun to proliferate - 'the rising generation of self-made men, whether British or Afrikaans'³ whose financial resources were chiefly local, derived from agriculture and commerce. They included sheep and cattle farmers, shop-keepers, artisans, accountants, attorneys, journalists and professional men. Their profits were invested in local insurance companies (De Protecteur, Mutual, Equitable and South African Fire and Life) and colonial banks (Union, Colonial and South African). The British members of this group tended to support the dissenting churches, the Afrikaners the Dutch Reformed Church. Politically 'progressive', this rising 'commercial class' controlled the Cape Town Municipality and several newspapers (De Zuid-Afrikaan, the Cape Town Mail and the South African Commercial Advertiser). It was opposed, Kirk continues, to the Cape Town 'Gentry', accusing them of exploiting the colonial market and of subservience to British political control, and regularly criticising them for not reinvesting their profits in the colony. The local businessmen, by contrast, wished to develop schemes beneficial to their commercial interests, such as building railways or exploiting Namaqualand copper, but such projects depended on financial guarantees from the colonial government. Hopes of such guarantees were dashed when the Colonial Secretary, Earl Grey, in 1848 rejected a scheme to build a breakwater in Table Bay. The only solution lay in control of the local legislature. 'The "local" financial interests', concludes Kirk, 'therefore set out to wrest it from the hands of the merchants'⁴. The political issues of the anti-convict agitation and representative government provided the 'rallying cry'.

3. Ibid., p.491. Amongst the adherents of the rising 'commercial class' Kirk identifies J.H. Wicht, O.J. Truter, J.J.L. Smuts, A.F. Carstens, J.S. Leibbrandt, J.H. Hofmeyr, J.M. Wentzel, F.H. Kunhardt (Afrikaner businessmen on Cape Town Municipality); J.G. Blackenberg, O.M. Bergh and J.G. Steytler (prominent figures in banking, insurance and stock marketing); and C.J. Brand and F.W. Reitz, a rich sheep farmer. Ibid., pp.311-312.

4. Ibid., p.317.

Kirk presents a cogent and persuasive thesis, and closer investigation bears out many of his observations. Certain trends can be discerned through a comparison of a sample group of prominent Cape Town merchants (members of the mercantile élite) with a group of long-standing municipal commissioners (representing the new 'commercial class')⁵. While the merchants were predominantly British-born⁶, a large number of the commissioners were Cape-born Afrikaners. Several of the merchants also retired overseas, having prospered in the colony⁷. With the only exception of H.E. Rutherford, a deeply religious man of the evangelical school who worked for the London Missionary Society and was an agent for David Livingstone⁸, all the merchants belonged to the established churches, and were predominantly Anglican. The commissioners were mainly adherents of the Dutch Reformed and Lutheran Churches; Englishmen from their ranks tended to be non-conformist. While the merchants invested mainly in insurance companies established between 1831 and 1838 (South African Fire and Life, Trust and Assurance Co., Marine Assurance Co.), the commissioners tended to support insurance companies established at a later period, between 1838 and 1849 (Protecteur, Equitable Fire and Life, Mutual Life and Equitable Marine). Most of the merchants were directors of the Cape of Good Hope Bank, established in 1837 under the chairmanship of J.B. Ebdon. The bank was sponsored by 'the same persons as the directors of the Australian Bank'⁹, described by Kirk as a 'syndicate of Lancashire capitalists with banking interests in Australia and Canada'¹⁰. The commissioners, on the other hand, tended to invest mainly in the South African Bank (1838), Colonial Bank (1844) and Union Bank (1847), established

5. The following observations are based on Appendix B.
6. The only exceptions were A. Chiappini, born in Italy, and J. Letterstedt, born in Sweden.
7. They included G. Thompson, G.W. Prince, H.E. Rutherford, W. Billingsley, H. Watson and J. Letterstedt.
8. DSAB, Vol.III, p.729.
9. Quoted in Arndt, Banking, p.224.
10. Kirk, 'Self-government and self-defence', p.310.

in rivalry with Ebden's bank¹¹.

These patterns of investment are also suggested by the actual location of the banks and insurance companies. Ebden's Cape of Good Hope Bank also housed the offices of the two insurance companies (Marine Assurance and Trust and Assurance Co.) supported mainly by the élite merchants. The Colonial Bank building contained the offices of two insurance companies (Equitable Fire and Life and Mutual Life) of which certain of the commissioners were directors¹². Economic rivalry was thus implicit in the tendency of the merchants and the local businessmen to back those financial institutions in which members of their respective 'classes' also invested. Borradaile, Thompson and Hall, 'one of the oldest and most respectable houses in Cape Town', it was reported, '... have always conducted their Banking business solely with the Cape of Good Hope Bank ...'¹³. By contrast, the South African Bank, Protecteur Fire and Life Assurance Company, Board of Executors and South African Association for the Administration and Settlement of Estates, it appears from the lists of directors, were exclusively the concerns of Afrikaner businessmen and professionals¹⁴.

Differing economic interests can also be discerned. Amongst the merchants were directors of the Steam Navigation Company and the Commercial Wharf company. The Steam Company served the mercantile community both in developing the coastal trade and in carrying regular postal communications between Europe and the Cape¹⁵. The Wharf Company collected funds and placed constant pressure on the colonial government

11. Arndt, Banking, p.244.

12. Post Office Directory for 1855 (compiled by De Lima), p.26. Both banks were situated in Adderley Street.

13. Standard Bank Archives. INSP 1/1/24. Inspection Report, 11 May 1871.

14. See, for example, Almanac, 1855, pp.159, 166-167.

15. R.F.M. Immelman, Men of Good Hope, (Cape Town, 1955), pp. 98 and 156. When the Crimean War interrupted regular mail sailings the Commercial Exchange expressed its concern at the great inconvenience and sent a memorial to the Government requesting temporary relief.

to improve the landing facilities of Table Bay¹⁶. Four prominent merchants served on the Harbour Board, founded originally in 1848 to supervise harbour improvements¹⁷. While the merchants were actively concerned with matters related to port trade and shipping, the businessmen on the municipality focused on local projects, exemplified in their investments in the Cape Town Gas Company¹⁸ and the Green Point Tramway Company, established in 1861¹⁹. Several municipal commissioners also served on the Central Roads Board, established through the initiative of John Montagu in 1843 and responsible for the building of roads, mountain passes and bridges²⁰. Both classes, therefore, desired the commercial development of the colony. But the mercantile élite, it seems, viewed the Cape from a more narrow perspective - as a profitable link in the chain of global economic imperialism. The commercial class, on the other hand, hoped to see the colony, in which they envisioned a permanent future for themselves, becoming economically viable in its own right.

Other striking differences are apparent. All of the merchants were active members of the Commercial Exchange²¹, and some of them were founding members of its successor, the Chamber of Commerce (1861), where they continued to

16. Ibid., pp.90-93.

17. J.B. Ebdon, J. Stein and W. Billingsley were the first appointed. GG, 27 July, 1848 (Proclamation); E. Christian served during the 1850s. Almanac, 1853-1855.

18. See below, Chapter IV, pp.127-128.

19. Commissioners H.C. Jarvis, R.H. Arderne and J.S. Leibbrandt were directors of this company: Coates, Track and Trackless, pp.12-13.

20. J.J. Breitenbach, 'The development of the secretaryship to the government at the Cape of Good Hope under John Montagu, 1843-1852, in AYB, Vol.II, 1959, Chapter IV. H.C. Jarvis, J.H. Wicht, E. Landsberg and D.G. van Breda all sat on this board (see Appendix B).

21. J. Letterstedt, although apparently not a member, maintained close links with this body: Immelman, Men of Good Hope, p.116.

play a central role²². The commissioners were not nearly so strongly represented on these bodies, although both H.C. Jarvis and E. Landsberg were prominent figures in the mercantile association²³. Indeed, the foundation in 1850 of the South African Chamber of Commerce, described by R.F.M. Immelman as an 'upstart body', seems to have marked an attempt by interests centred on the Cape Town Municipality to rival the Commercial Exchange²⁴. However, despite an auspicious beginning it was short-lived. Four of the merchants held seats on the Legislative Council for many years²⁵, while amongst the survey group of commissioners only C.J. Brand sat on this Council: appointed as an unofficial member in July, 1850, he resigned barely two months later in sympathy with the 'popular party' which opposed the Governor, Sir Harry Smith²⁶. This point, however, must be qualified. Three unofficial members of the Legislative Council, including the merchant prince Hamilton Ross, were also municipal commissioners, but by 1844 they had ceased to be members of the Municipal Board²⁷. When Cape politics reached crisis point in 1848 the local legislature still appeared to be under the sway of mercantile interests, and growing tension between the Cape Town Municipality and the colonial government broke out in open warfare. According to the famous Cape journalist, R.W. Murray, the only staunch support Sir Harry Smith had, was from the merchant

22. J.B. Ebdon was president of the Chamber of Commerce from 1861 to 1873. *Ibid.*, p.319.

23. *Ibid.*, Preface and p.159.

24. *Ibid.*, p.178. Its chairman, O.J. Truter, and committee members R.H. Arderne, C.F. Juritz and H.C. Jarvis, were all municipal commissioners. The other committee members were A. de Pass and J. Mosenthal, both prominent figures in the rising commercial class (see pp.67-69 below).

25. H. Ross (1834-49); C.S. Pillans (1834-40), J.B. Ebdon (1834-49) and E. Christian (1851-53).

26. *DSAB*, Vol.II, p.78. The 'popular party' included A. Stockenström, J. Fairbairn and F.W. Reitz as well as C.J. Brand. J.H. Wicht, a municipal commissioner since 1844, became the fifth member.

27. See below, Chapter IV, pp.152-153. J.B. Ebdon was elected as a commissioner for District Nine in 1840 but did not take up this office. *GG*, 15 May, 1840 (Municipal Notice).

class'²⁸, while the municipality publicly sided with the 'popular party'.

Indeed, the Cape Town Municipality during the mid-century period was, in the words of R.W. Murray, 'as much, if not more, a political than a sanitary corporation'²⁹. H.C. Jarvis, reports Murray, used his position as Chairman of the Commissioners, 'more for the sake of the political advancement of himself and friends than for any other object ...'³⁰. Jarvis, who owned a row of houses in the crowded 'Waterfront' area largely inhabited by 'Coloured' fishermen and artisans³¹, was a member of Cape Town's emergent and influential class of landlords. For years, Jarvis 'had the Municipality completely under his thumb. His word was law at the Town-house [sic], and he was regarded as if he had inherited the chair and was the indisputable owner of it'³².

R.W. Murray also attests to the dominance of the municipality by the rising commercial class. 'No merchant of any standing', he notes, 'would have anything to do with Municipal work. Ultimately, however, Mr James Mortimer Maynard and Mr Ralph Arderne, who ranked amongst the largest house proprietors and the wealthiest of Cape Town

28. Murray, SA Reminiscences, p.3.

29. Ibid., p.222.

30. Ibid., p.225.

31. See Appendix F.

32. Murray, Reminiscences, p.225.

H.C. Jarvis accomplished the unique achievement of being a commissioner for two decades (1840-1859) and was chairman of the Municipal Board in 1848-1859 (the longest spell as head of the Municipality in Cape Town's history). He began his career in the 1820s in the wine firm headed by D. Dixon, later becoming a partner and the general manager. He mined unsuccessfully for coal in the Gardens, established a distillery at Wellington and a manganese mine near Paarl. As well as being the director of several banks and insurance companies, he served on the Public Roads Board, Table Bay Harbour Board and committees of the Commercial Exchange and Chamber of Commerce. He was a director of the Cape Town Tramway Co., Railway and Dock Co. and Wellington and Wynberg railways. Although clearly dedicated to commercial interests, his promotion of the wine export trade also aligned him with agricultural interests. DSAB, IV, p.259.

capitalists, came forward as candidates for seats as commissioners ...'³³. J.W. Maynard was a giant 'landed proprietor' who owned extensive property in Cape Town and in the Cape District (worth over £60 000 in 1874/75) including the well-known 'Maynardville' estate in Wynberg³⁴. First elected in 1848, Maynard served as a municipal commissioner throughout the 1850s and 1860s. R.H. Arderne had begun his career in Cape Town in the early 1830s as a cabinet-maker. By the 1840s he operated as an 'upholsterer and undertaker', and was already acquiring property, apparently by using the profits from his business³⁵. Arderne first became a municipal commissioner in 1852 (he was by then a timber merchant), and continued in this office throughout the 1850s and 1860s. By the time of his death in 1885, he, too, owned substantial property in Cape Town and the Cape District (worth about £20 000), including the 'Hill Estate', now the Claremont Public Gardens, and numerous houses in the area of what became District Six³⁶. Both Maynard and Arderne were involved in the new commercial developments of the mid-century, Maynard as a director of the locally-based Union Bank, Arderne as a director of the Tramway Company. Arderne, as a member of the Cape House of Assembly (1854-58), revealed a 'thorough knowledge' of colonial trade, customs dues and harbour improvements (but lacked popularity in parliament because he felt obliged to defend the Cape Town Municipality)³⁷. Maynard, also a member of the House of Assembly (1854-58), was said to be 'au fait on monetary affairs, and great on

33. Murray, Reminiscences, p.226.

34. MOOC, 13/1/318 (44). The Maynardville estate included a vineyard and a brewery. It was bought by the Cape Town Municipality in 1949.

35. Cape Archives: A543.

36. MOOC, 13/1/482 (108).

37. R.W. Murray, Pen and Ink Sketches in Parliament, (Grahamstown, 1864), Vol.I, p.32. Arderne also revealed extreme antagonism against 'bishops, priests and deacons', no doubt because he was a loyal non-conformist, who donated the land on which the Claremont Congregational Church was built in 1877.

currency questions'³⁸. Both, therefore, represented the new propertied and commercial classes who were, by the 1840s, challenging the hegemony of the mercantile élite.

The key group amongst the 'collaborators' of British rule in the Cape colony appears to have been the mercantile élite³⁹. This group can be more closely identified in a useful document, a pamphlet detailing the Cape entry to the Universal Exhibition of 1855, compiled by Ernest Blancheton, the Consul of France in Cape Town⁴⁰. It comprised a number of large merchant houses, all with agents in London and in other parts of the world. The largest, Borradaile, Thompson and Hall, and Thomson, Watson and Co., had numerous agents world-wide (23 and 15- respectively). Some, moreover, were based in London. John Collison, for example, had come to the Cape to open a branch of the family firm, Collison, Starkey and Company. He returned to London in 1827, followed in 1838 by his brother, Francis, who had stayed on to manage the Cape Town business⁴¹. George Greig, having sold his newspaper in 1836 and resumed his career as a merchant, moved to London in 1843⁴². Thomson, Watson and Co. had a sister branch in London, founded by the leading partner, J.R. Thomson, who conducted his business from England during the latter half of his life⁴³. Many of these companies served as

38. *Ibid.*, p.39. Maynard, who looked 'rough and uncultivated' and dressed like 'a mechanic in his best clothes', was a failure as a parliamentarian - Murray notes that his remarks were 'as loud and coarse as his looks' and that he 'rather damages than helps any subject, when he attempts to lend it his succour'.

39. Apart from the support that it derived from the mercantile élite, British rule was conducted through the official bureaucracy and the military.

40. The following observations are based on Appendix C.

41. R.R. Langham-Carter, 'The Collisons and their achievements' in *QB*, Vol.XXIV, No.3, pp.234-237.

42. *DSAB*, Vol.II, p.275. The other London-based houses were Borradaile, Thompson & Hall, Rudd & Co. and W. Dickson & Co. (see Note 3, Appendix C).

43. *DSAB*, Vol.IV, p.652. The sister branch, J.R. Thomson & Co., had vested interests in various southern African economic enterprises.

agents for British, Australian and European banks and insurance companies, as well as acting as consulates for various European nations. More than half of the merchant houses had been established by 1825 and most of the partners had settled in the colony by this date. Many of these merchants had been prominent in the wine trade during the 1820s⁴⁴ and had participated in the early beginnings of the Commercial Exchange⁴⁵. The central role which they played in the affairs of the Commercial Exchange is illustrated by the fact that ten of their number served as chairmen of this association⁴⁶.

Apart from their major activity as importers-exporters and shipping agents⁴⁷, several of these merchant houses had also become involved in the colonial trade, with agents in the Eastern Province and Natal⁴⁸. Indeed, some of them owned land in the districts of Beaufort and Swellendam, in the heart of the wool-farming region⁴⁹. Thomson, Watson and Co., for example, between 1840 and 1841, purchased 28 farms in the districts of Beaufort and Graaff-Reinet, and were pioneers in the breeding of Angora goats in the Swellendam region⁵⁰. The mercantile firms in Cape

44. They included J.B. Ebden, J. Collison, H. Watson, J.R. Thomson, W. Dickson, G.W. Prince and A. Borradaile. Immelman, Men of Good Hope, p.72; C.L. Leipoldt, 300 Years of Cape Wine, (Cape Town, 1874, 2nd Ed.), p.84; WT4 (Return of Cape Wine Exported, 1823-26).

45. They included J.B. Ebden, A. Chiappini, J. Collison, G. Thompson, G.W. Prince, W. Dickson, R.W. Eaton (also E. Christian, T. Sander-son, D. Dixon, H. Nourse and J. Nisbet). Immelman, Men of Good Hope, pp.29-37.

46. See Appendix C.

47. Blancheton noted that his list included 'those houses at the Cape which have been pointed out to us as having since many years obtained the largest number of consignments of ships'. Universal Exhibition, p.56.

48. G. Greig & Co., A. Chiappini, H.E. Rutherford had agents in the Eastern Province, and G. Thompson twice visited the region in search of profitable channels of enterprise, while J.B. Ebden, H. Ross and C.S. Pillans kept an eye on frontier policies which might affect frontier trade: Le Cordeur, Separatism, pp.39-40 and pp.123-124. See also Appendix C and p.²⁷ above.

49. See Appendix D.

50. TTD, Vol.26, pp.66-68.
DSAB, Vol.IV, p.652.

Town, advantaged by their regular contact with business houses in London, also handled most of the compensation money paid out to former slave-owners⁵¹. They also became 'financiers and bankers to the first generation of eastern Cape wool farmers'⁵². The London connection brought further advantages through the assistance rendered to Cape merchants by the Cape of Good Hope Trade Society. Formed in London in 1825 at a meeting of 'Merchants, Shipowners, Manufacturers' and others interested in trade with the Cape, this society communicated with the Colonial Office and the British Parliament in defence of Cape mercantile interests - the wine trade, wheat exports, tea imports and banking schemes⁵³.

The London connection appears to have been a vital link in the chain of Cape mercantile operations. Three hundred shares in the Cape of Good Hope Bank were reserved for London purchasers and many of these shares were held by London merchants with agents in Cape Town⁵⁴. When Jacob Letterstedt prepared to visit England in 1837 he wrote to the bank to request an introductory letter 'to those parties who have been kindly enough to act on our behalf in London'⁵⁵. Presumably he hoped to include them amongst his overseas business contacts. London firms also supplied Cape Town companies with large sums of business

51. Hengherr, 'Emancipation', pp.60-62.

52. T. Kirk, 'The Cape economy and the expropriation of the Kat River Settlement, 1846-53' in Economy and Society in Pre-Industrial South Africa, (London, 1980), p.231.

53. Immelman, Men of Good Hope, pp.58-70. Several Cape merchants, including J.B. Ebdon, Daniel Dixon and John King, were present at the founding meeting of this society on 2 March 1825: CC ADD 1/1 (Journal of Cape of Good Hope Trade Society), pp.1-4.

54. University of the Witwatersrand Library, A1509. Cape of Good Hope Bank letter book, 1835-37. See 'List of Subscribers' and letters Abraham Borradile to R.W. Eaton, 14 and 16 January 1836. The agents included W.G. Anderson, Thomas Tennant & Co., John King, Hudson, Donaldson & Co., J.R. Thomson, Venning, Busk & Co., and Borradaile, Thompson and Pillans.

55. Ibid. J. Letterstedt to Cape of Good Hope Bank, 8 March 1837. He also offered to promote, while in England, Ebdon's banking scheme, which at this stage was not yet finalised.

capital, and London merchants placed their wealth at the disposal of Cape houses⁵⁶.

This is strikingly illustrated by a letter from a Cape Town merchant, Alexander McDonald, to Joseph Busk, the Cape representative (until 1849) of the firm Venning, Busk and Co., whose co-partner, Samuel Blackaller Venning, resided in London⁵⁷. McDonald welcomed Busk (then residing in England) as a partner in the new firm he had founded, on the understanding that Busk would obtain 'a permanent loan from the Vennings, and make up from your own resources a sum of £30 000'⁵⁸. The new company (to which McDonald had agreed also to contribute £30 000) was styled McDonald, Busk and Co., and was an overseas affiliate of William Venning and Co. of 12, Pancras Lane, London⁵⁹. It sold imported fabrics and clothing of British manufacture, selected by Joseph Busk's cousin, Charles Busk of London⁶⁰.

Further insight into the operation of the London-based mercantile houses at the Cape is obtained from the 1861 agreement which created a new partnership in the long-

56. John and Francis Collison, for example, had 'the wealth of their London house behind them' when they arrived to set up business in the Cape: Longham-Carter, 'The Collisons', p.236.
57. J. Buck had his offices in 17 Burg Street: Almanac, 1842. S.B. Venning was a London merchant who had bought 10 shares in the Cape of Good Hope Bank: see footnote 54 above.
58. University of the Witwatersrand Library, A1320f. McDonald to Busk, 15 June, 1849. (This unique document was found behind the drainpipe of an outhouse of the Anglo-Swiss Hotel in Bournemouth.)
59. Venning, Busk & Co. was dissolved and the new firm occupied its former premises in 17 Burg Street: Almanac, 1849. The third partner was E.J. Jerram, also a Cape Town merchant: R.R. Langham-Carter, 'Edward Jenner Jerram' in QB, Vol.30, 1976, pp.60-63.
60. Advertisements in GG, 5 July and 2 August 1849. In his letter McDonald alludes to Busk's cousin, Mr C.J. Busk. For further details about McDonald, Busk & Co. see D.P. Warren, 'The History of a Letter (1849)', in QB, Vol.30, No.3, March 1986, pp.114-118.

established firm of Thomson, Watson and Co.⁶¹. The major portion of the initial capital came from the London partners, John Robert Thomson and Harrison Watson (whose joint business dealings dated back to the early 1820s), each contributing £10 000. The Cape Town partners, James Duncan Thomson (son of John Robert) and William Clifford Knight, each added £5 000 to the firm's capital. All the concerns of the firm were conducted in England by the 'Sole Agents', J.R. Thomson and Co. The net profits were divided in equal proportions (minus certain allowances) and the money due to the London partners was 'forthwith remitted to them'. Interest on the capital (6 per cent) was also sent to London in 'equal half-yearly payments' from current profits. Close control over the business was exercised: true copies of the monthly books of account and annual balance sheets were sent to London. Restraints were also placed on incidental business activity: a Cape Town partner could not become 'security for any person or property or subscribe any policy of Insurance ... or speculate in the public funds ... or enter into any other trade or business or speculative concern whatsoever or become a shareholder in any Joint Stock Bank or other Company ...', unless with 'the consent in writing' of the other. In its funding and operation the Cape Town house was thus entirely dependent on London.

London was at the centre of a web of wider colonial connections. Borradaile, Thompson, Hall and Co., for example, were represented in London by Abraham Borradaile (chairman of the influential Cape Trade Society) and in Calcutta by John Borradaile. Both men had been founding

61. Messrs Thomson, Watson & Co. Articles of Partnership. Dated 5 March 1861. (Original manuscript in private possession of Mr G.C. Knight of Newlands, Cape Town.) The sum of £1 000 per annum was to be paid for the duration of the partnership (until 1866) to Thomas Watson (Harrison's brother) 'in consideration of his retirement'. He was also authorised to act on behalf of either of the Cape Town partners in the case of their death or 'absence from business'.

partners in the Cape house⁶². John Borradaile was also the Calcutta agent for two other Cape Town firms, Deane and Johnson and R.P. Dobie and Co.⁶³. Close ties also appear to have existed between the Cape and Australian mercantile communities, with London often as the common link. The accountant of the Bank of South Australia, founded by the London-based South Australia Company, in November 1836 communicated with J.B. Ebden in Cape Town, while sailing out to take up his appointment. 'Frequent communications for supplies and other objects', he wrote, 'will speedily commence between Cape Town and South Australia ...' and he suggested 'opening a correspondence' between his bank and Ebden's proposed bank 'for the mutual issue of Drafts and Letters of Credit'⁶⁴. (Ebden received a second communication on the subject directly from the manager of the South Australia Company in London.) By the early 1840s élite Cape merchants were regularly appointing as their agents partners in Australian firms, to collect on their behalf all 'Sums of money, Bills, Notes, Goods, Wares, and Merchandize' owing to them⁶⁵.

Locally-based businesses seeking to enter the import-export trade also depended, to some extent, on the London connection.

62. Along with G. Thompson, C.S. Pillans and G. Ravenhill, they had purchased premises in the Heerengracht in November 1836, for the sum of £2 250: TTD, Vol.25, p.82. In June 1840 Thompson and Pillans bought out the shares of their other partners in these premises: *Ibid.*, p.340.
63. Blancheton, *Universal Exhibition*, pp.46, 48.
64. E. Stephens to J.B. Ebden, 26 November 1836. See also letter from Manager of South Australian Company in London (E.J. Wheeler to J.B. Ebden, 28 February 1837) on the same subject: University of the Witwatersrand Library A1509. Cape of Good Hope Bank letter book, 1835-1837. Ebden's reply is not included.
65. Letter of Attorney appointing W.S. Stockley, prior to his departure to become a resident partner of F. Mangles & Co., Swan River Colony, Western Australia, as agent for William Billingsley of Cape Town: NCD 54/17, item 2121.

A. Chiappini & Co. had appointed several agents in Australia: in 1829, W. Dawes, merchant of Sydney; in 1841, merchants and co-partners Messrs Lamb and Parbury of Sydney; and in 1843, Alfred Ebden, who had set up business in Sydney: NCD 54/16, item 2080.

This was certainly the case with the partnership formed in January, 1847, between P.G. van der Byl and Francis Porter, half-brother of the Attorney-General, William Porter. Van der Byl had prospered as a commission agent, providing food and supplies to the military during the 'War of the Axe' (Seventh Frontier War, 1846-47)⁶⁶ in which Francis Porter had served as the commanding officer of the Cape Town Volunteers⁶⁷. Van der Byl's contribution to the partnership was £10 000, Porter added £5 000 of his own and a loan of a further £10 000 was obtained from Van der Byl's father⁶⁸. The firm was thus funded entirely from local sources, and the total capital invested, £25 000, placed it, financially, on a par with the élite mercantile houses (the capital in the 1861 partnership between Thomson, Watson and Knight totalled £30 000⁶⁹). The partners hoped to retain the services of Chalmers, Guthrie and Co., the London agent of Hamilton Ross⁷⁰, in buying and shipping out goods for them; credit would be advanced on the basis of consignments of colonial produce⁷¹. However, the profitability of the new firm was under question. The London agent welcomed the prospect of an annual turnover of £35 000 (initial capital of £25 000 plus £10 000 credit on an open account), but noted that a turnover like the one recorded for 1846, only £11 300 in shipments to Van der Byl, 'would not suit us at all'. Strict conditions concerning the expeditious settlement of accounts were imposed⁷², and the London office hoped that it would have 'no further occasion to use a double-bitted bridle' in its dealings with Van der Byl.

66. G.I. Nicholls to F. Porter, 26 November 1846: South African Library, MSB 391 (Porter papers), item 45.

67. Finding aid to MSB 391.

68. D. Guthrie to H. Ross, 19 January 1847: MSB 391, item 55.

69. See above, p. 57.

70. Blancheton, Universal Exhibition, p.50.

71. See footnote 68 above. The following section is based on this letter.

72. By imposing increased interest on late accounts, Guthrie hoped to 'induce early remittances'.

Despite the condescending and apprehensive attitude of the London agent, the Cape Town firm appears to have fared well initially, for in 1854 a new partnership with an increased capital of £27 000 was established⁷³. Porter and Van der Byl were joined by G.I. Nicholls, a close friend of Francis Porter from Grahamstown, who had operated as a commission agent for John Ross⁷⁴, the nephew and business successor of Hamilton Ross. However, Van der Byl and Co. barely survived the widespread depression of the 1860s, which was marked by severe fluctuations in the demand for wool and copper, the continued decline of the wine trade and a fall in exports of colonial produce⁷⁵. Along with several other Cape Town houses involved in trade with the Eastern Province, Van der Byl and Co. was 'nearly ruined' and lost over £60 000⁷⁶. Neither Francis Porter nor P.G. van der Byl appears to have prospered subsequently⁷⁷.

Research into the wills and estates of some of the prominent figures representing the mercantile élite and the rising commercial class suggests further distinctions between these two groups⁷⁸. It should be borne in mind, however, that

73. MSB 391, item 49. Partnership agreement, 18 July 1854. Porter contributed £12 500, Van der Byl £5 000 and G.I. Nicholls £9 500. The firm moved from St George's Street to Adderley Street: Almanac.
74. See footnote 66 above.
75. Immelman, Men of Good Hope, pp.239, 241 and 245. The fall in exports was partly a consequence of the disruption caused by the American Civil War (1861-65).
76. 'The Memoirs of Ernst Godfried von Landsberg' (photostat copy of translated manuscript in private possession of the widow of the late Simon de Villiers), p.95. Landsberg, a prosperous Cape Town wholesaler, was also hard hit, losing over £30 000.
77. The balance in Van der Byl's estate was a mere £32. Assets from Van der Byl and Co. amounting to about £31 000 were all mortgaged to the Board of Executors: MOOC 13/1/632 (106). P.G. van der Byl died in March, 1890. In Porter's estate, there were assets of about £74 700, including stock and accounts owing to his business, but three-fifths (about £45 000) of these assets were 'doubtful' or 'bad'. Of the remaining £29 700, over £24 000 was absorbed by liabilities, leaving only a small balance of about £5 000: MOOC 13/1/591 (17). Francis Porter died in February 1886.
78. The following discussion is based on Appendix D.

these sources offer only a partial and somewhat static economic profile, based on the material circumstances of the men at the time of their deaths. Estimates of annual income, for example, are unavailable since the records merely reflect the final balance of accounts in the respective estates. The picture may also be incomplete, particularly in the case of those merchants who retired to England. J.R. Thomson's estate at the Cape, for example, was valued at a substantial £35 000 (virtually all from fixed property), but it formed only a portion of his wealth. In his will he made bequests totalling £92 500 (excluding the Hyde Park house, with furniture, bequeathed to his wife)⁷⁹, which suggests that the bulk of his capital was in England.

Generally speaking, the élite merchants constituted a much more prosperous and financially stable group than the local businessmen who sat on the municipality. The balance in their estates (which remained for distribution to their heirs after all debts had been settled) was generally much higher. The chief exceptions were Antonio Chiappini, whose company went insolvent in about 1858, and Maximilian Thalwitzer, whose capital was mainly derived from agriculture⁸⁰. By contrast, the incidence of business failure was greater amongst the municipal commissioners, several of whom went insolvent⁸¹.

79. Will. MOOC 7/1/412 (132). J.R. Thomson's Cape estate included a fair amount of landed property: land in Port Elizabeth (sold for £988) and two farms at Zuurberg (sold for £2 950) and in the Transvaal (valued at £100).

80. Thalwitzer was a German-born Jew who emigrated to the Cape in 1823 and established himself as a wool merchant in Cape Town. In the early 1840s he gave impetus to the wool trade by importing merino sheep. L. Herman, A History of the Jews in South Africa, (Johannesburg, 1935), pp.102-103; L. Hotz, 'Contributions to Economic Development' in Saron and Hotz, Jews in SA, pp.350-351.

81. In addition to A. Brink, H.C. Jarvis and J.H. Wicht (see Appendix D), three other municipal commissioners holding office in the period 1840-54, C.L. Herman, J.A. Holtman and C.J. Brand, also went insolvent: MOIB 2/1003 (35) and 2/241 (49) (Insolvent Estates).; GG, 15 April 1847. Notice advertising Brand's property for sale.

In terms of wealth, the élite merchants were rivalled only by the great landed proprietors, R.H. Arderne, J.M. Maynard and the arch-landlord, J.A.H. Wicht. Indeed, property seems to be a key factor in distinguishing the ways in which merchants and commercial men accumulated capital. Amongst the élite merchants, sizeable funds ranging from about one-third to two-thirds of the value of their estates, were realised through their mercantile and entrepreneurial operations⁸². The balance of account in Hamilton Ross' import-export company (£37 000), for example, made up the bulk of his fortune (£55 000 in 1855). Only about 15 per cent (£8 000) of his assets was derived from fixed property, mainly made up of his Claremont estate, 'Sans Souci' and his town home, 'Mount Nelson'⁸³.

Conversely, the capital derived from the business activities of the municipal commissioners was, in most instances, exceeded by the value of their fixed property. Although one-quarter of the estate of J.A.H. Wicht, a linen draper and ironmonger, originated from stock-in-trade (and promissory notes), his extensive fixed property (valued at over £55 000) made up nearly half of his estate (worth £122 000 overall in 1867). Wicht's relatively small bank balance (3 per cent of the value of his estate) implies that either his business profits were minimal, or, most probably, that they were re-employed in the accumulation of further property. Similarly, over one half of the capital left by C.F. Juritz, an apothecary, came from his store and his other fixed property (two houses in central Cape Town and an estate in the Cape district). His bank balance and the money owed to his business accounted for only one-quarter of his estate. It would thus appear that while the élite merchants tended to accumulate sizeable liquid assets, many of the men from the

82. See Appendix D. It is difficult to estimate how much of J.B. . Ebden's wealth was derived from his import and shipping business, but his large bank deposits suggest that considerable profits were being made.

83. MOOC 13/1/161 (37 to 40).

rising commercial class tended to invest surplus capital in immovable property.

Men from both classes, however, derived much of their income from agriculture. Hamilton Ross and Co., for example, exported wine and wheat and imported merino sheep from New South Wales, as well as trading with the East and serving as an agent for British shipping interests⁸⁴.

Over 60 per cent of the estate of Michiel van Breda (chairman of the Municipal Board, 1840-43) came from his share in Reitz, Breda, Joubert and Co., a comprehensive agricultural firm of which the rich sheep farmer (and member of the 'popular party'), F.W. Reitz, was a co-director⁸⁵.

Nearly two-thirds of the income in the second liquidation account in the estate of Michiel's son, Dirk Gysbert van Breda, was obtained through the sale of agricultural products (which included wool and ostrich feathers)⁸⁶.

H.C. Jarvis, who went insolvent in 1864, was hard hit by the decline in wine farming, attributing the cause of his failure to losses (amounting to nearly £15 000) on shipments of wine⁸⁷.

Property development in Cape Town also created new opportunities for profit, particularly for the rising commercial class. Lending money to others, often in the form of mortgages on household property, was a lucrative business: given the interest payable on a bond, the original amount loaned could double within a decade⁸⁸. A number of the commissioners invested significant amounts of capital in this way⁸⁹, operating rather like small,

84. DSAB, Vol.II, p.606.

85. DSAB, Vol.II, p.575.

86. MOOC 13/1/289 (7).

87. MOIB 2/1078 (238) (Insolvent Estate). Report of Trustees, paragraph 8.

88. A bond in the estate of attorney O.J. Truter was originally worth £1 150 in 1859; by 1868 it amounted, with interest, to £2 250: MOOC 13/1/240 (43).

89. L.P. Cauvin, J.J.L. Smuts and J.A.H. Wicht acquired about a quarter of their capital through bonds, etc., R.H. Arderne about two-fifths and F.H. Kunhardt about three fifths.

private building societies. Further evidence of this trend is found in the Standard Bank 1871 Inspection Report. O.M. Bergh, a wealthy Cape Town wine merchant ('stated to be worth £30 000'), and a municipal commissioner from 1854 to 1859, had his money 'invested mostly in Mortgages'. Another affluent wine merchant ('worth at least £20 000') J.S. Leibbrandt (junior), a director of the Tramway Company and the owner of 'extensive valuable household property' had 'a considerable amount of Mortgages'⁹⁰. Some commissioners supplemented this capital with income acquired from renting out the houses they owned - R.H. Arderne, A. Brink, L.P. Cauvin, H.C. Jarvis. J.M. Maynard and the Wicht brothers were all landlords. Two of the foremost landed proprietors, Arderne and Maynard, even loaned money, in the form of debentures, to the Cape Town Municipality⁹¹. Several of the élite merchants also put capital into bonds and debentures, but to a much lesser extent.

A survey of property ownership about 1842 also highlights certain differences between the mercantile élite and the commercial class⁹². In Cape Town itself the merchants had their offices in the prime 'Market Square' area, the commercial heart of the city, and owned stores and warehouses in the 'Waterfront' area, conveniently near Table Bay. While prominent bureaucrats such as Chief Justice Sir John Wylde and Baron de Lorentz, the Superintendent of Police, resided on small estates in the Gardens, many of the élite merchants owned country seats lying between Rondebosch and Wynberg, a testimony to their wealth and social prestige. Some of the mercantile houses, such as Thomson, Watson and Co., H. Ross and Co., and Chiappini and Co., also owned farms in the wool farming districts.

90. INSP 1/1/24. Inspection Report, 1871. Leibbrandt was affectionately known as 'The Governor of Sea Point'. His father was a municipal commissioner, 1846-47.

91. R.H. Arderne, for example, held five debentures valued at £1 200: MOOC 13/1/482 (108).

92. The following section is based on Appendix E.



1840-1841
1842-1843
1844-1845
1846-1847

JACOB LETTERSTEDT

Source: J. Walton (ed.), The Josephine Mill and Its Owners

Landed property thus accounted for a significant proportion of their wealth - for example, over two-fifths of the estate of Jacob Letterstedt, who established the original brewing industry in Newlands, came directly from landed property⁹³. The household property of the élite merchants, however, was quantitatively small, although highly valuable because of its choice location.

By contrast, the largest portion of the fixed property owned by many of the local businessmen was household property. Indeed, a number of the municipal commissioners in this period were landlords⁹⁴ who owned rows of cheap houses in the more densely populated quarters of the town: the 'Waterfront' area, the vicinity of upper Buitengracht and the 'Constitution Hill' area, where they bought up plots of ground⁹⁵. The names of buildings, streets and squares testify to them, Jarvis' buildings, Mechau's buildings, Herman's lane, Watermeyer lane, McKenzie street, Pentz street, and the notorious Glynn Square, 'one of those horrid pest-holes which cannot be exceeded by anything in Seven Dials or Petticoat Lane'⁹⁶.

One of the most prominent amongst the class of landlords was J.A.H. Wicht who, for example, in 1854 owned virtually all the houses in Ward 28 and one-third of the houses in Ward 29 (in the neighbourhood of upper Bree and Buitengracht streets). In the 'Constitution Hill' area he owned 23 lots

93. In his estate valued at £70 184, his landed property was worth £29 231 or about 42 per cent of the overall value: Estate of the Late Jacob Letterstedt. Report of the Executor Dative. (Cape Town, 19 November, 1884.) (Publisher unknown. Document in collection of Standard Bank Archives, Johannesburg.)

94. It would appear that the term 'landlord' was, by the mid-century, being employed in its modern sense of a proprietor who leases (household) property to a tenant in return for rent: J.B. Saunders (Ed.), Words and Phrases Legally Defined, (London: Butterworths, 1969), Vol.3, p.128.

95. See Appendix F.

96. Quoted from Cape Argus, 26 January, 1867 in Hattersley, Social History, p.178. J.W. Glynn was elected a municipal commissioner in 1860. On his death in 1862 his wife inherited 'fixed property valued at £33 000 which was mortgaged for £20 900 ...': Standard Bank 1874 Inspection Report, INSP 1/1/24.

of ground and 62 houses valued at £75 on average⁹⁷. By 1865 he owned altogether no fewer than 374 houses, the majority crowded together without sewers of any sort, and accommodating some 4 000 tenants⁹⁸. Yet the rivalry between the mercantile élite and the 'commercial class' on the municipality is still apparent, for many of the local businessmen also owned shops and houses in the commercial centre of Cape Town.

Both merchants and commissioners tied up varying amounts of capital in shares and investments. The patterns of investment that have already been described⁹⁹ tend to be confirmed by the estate records. While few of the merchants invested in local joint-stock companies¹⁰⁰, nearly all of the commissioners held shares in such concerns, mainly the Gas Company, the Simonstown Patentslip and Dock Company, the Board of Executors and the South African Association. Some commissioners also held shares in colonial agricultural banks¹⁰¹. By contrast, J.B. Ebden invested a small fortune in 55 shares (valued at about £75 000 in 1874) in his Cape of Good Hope Bank¹⁰². The shipping interests of the mercantile élite are reflected by the investments of W.G. Anderson, T. Ansdell and E. Christian in the Union Boating Co.

Unique amongst all the investors from both groups was William George Anderson who held shares in gold and diamond

97. 3/CT 7/1/2/1/11 (Street Roll, 1854).

98. Pama, Bowler's Cape Town, p.81; Picard, Grand Parade, p.7. Wicht owned 'a row of small, two-storeyed houses' in Bree Street nicknamed 'Sebastopol' in imitation of two notorious tenement houses in Hyde Park, London, called Malta and Gibraltar 'because they never would be taken'. These houses adjoined 'a hollow square in the centre of which is gathered all the filth and refuse of the occupants of the respectable "front"'.
 99. See above, pp.47-48.

100. H. Ross held one share in the South African Association (£505) and M. Thalwitzer one share in the Gas Company, worth £5!

101. D.G. van Breda had shares in the Caledon Agricultural Bank and Swellendam Bank, while F.H. Kunhardt had shares in the Commercial Agricultural Bank.

102. Ebden's first liquidation account: MOOC 13/1/304 (59).

mining companies¹⁰³. W.G. Anderson was a co-partner with Captain James Murison in the firm Anderson and Murison¹⁰⁴. Two other major Cape houses, Mosenthal and Co. and De Pass, Spence and Co., were also, by the 1870s, becoming involved in diamond mining¹⁰⁵. During the 1850s Anderson and Murison, the Mosenthals and the De Pass brothers, along with Barry and Nephews, were leading houses involved in coastal shipping and the colonial trade¹⁰⁶.

The Mosenthal brothers, Adolph and Joseph, set up as general merchants in Cape Town about 1840. By 1842 they had opened premises in Port Elizabeth and within a few years had established a chain of trading-posts throughout the Eastern Cape, bringing supplies to farmers and providing a market outlet for their products: wool, skins and

103. These included the New Black Reef Gold Mining Co., Transvaal Gold Exploration & Land Co., De Beers Consolidated Mines, North East Bultfontein and Kimberley Diamond Mining Co.: Inventory of Estate. MOOC 13/1/689 (120).
104. Established in 1853, this shipping house succeeded the old firm of Deane and Johnson and later (about 1872) became the Cape Town agent for Castle Packets Company founded by the shipping magnate Donald Currie: DSAB, Vol.III, p.643; M. Murray, Union-Castle Chronicle, 1853-1953, (London, 1953), pp.58-60; Cape Mercantile Advertiser, 28 September, 1885 (obituary).
105. In 1871 De Pass, Spence & Co. owned diamonds valued at £1 800 (Standard Bank 1871 Inspection Report), while Mosenthal & Co. was sending to England diamonds valued at £3 000 (General Manager, Port Elizabeth - Standard Bank, London, 15 September, 1871. GMO 3/1/1, p.25). The Mosenthals were active in the Griqualand West diamond-mining industry (Adolph Mosenthal's son, Harry, became the director of De Beers, Rand Mines and other mining companies). The De Pass brothers had purchased a large tract of land in Namaqualand where they secured large copper and diamond interests: Hotz in Jews in SA, p.352; DSAB, Vol.III, p.638.
106. James Murison and Aaron and Elias De Pass were, in the 1850s, the biggest owners of shipping vessels registered as colonial property: Murison owned seven vessels, the De Pass brothers five: Almanac, 1851-1855. De Pass, Spence and Co. developed a flourishing coastal shipping trade along the west coast and engaged in sealing and whaling activities. The firm constructed patent slipways for ship repairs at Simonstown (1859) and Table Bay (1861): DSAB, Vol.I, p.220. It also earned a fortune (£10 000 per annum by the 1870s) from exploiting the guano deposits on the off-shore islands on the North coast: Standard Bank 1871 Inspection Report. INSP 1/1/24.

hides. By the mid-1850s the Mosenthals were launching the mohair industry by importing Angora goats and had boosted wool-farming through the introduction of high-pedigree French merino sheep. They were also closely involved in local banking (for example, as directors of banks in Graaff-Reinet) and had issued their own bank notes until regular facilities were developed¹⁰⁷. Barry and Nephews was founded in 1834 by Joseph Barry in partnership with his nephews, Thomas and John. The firm rapidly expanded and soon extended its activities over the whole Overberg region (with headquarters in Swellendam) where it enjoyed a commercial monopoly. Like the Mosenthals, the Barry enterprise was agriculturally based (Joseph also introduced merino sheep and pioneered improvements in wine production and agricultural methods) and was active in the coastal trade, its steamship, Kadie, plying between Cape Town and the Breede River¹⁰⁸.

The De Pass brothers, the Mosenthals, the Barrys and probably J. Murison, it would appear, had more in common with the rising commercial class in Cape Town than with the mercantile élite. Indeed, John Barry (who had moved to Cape Town about 1842 to open a new branch¹⁰⁹), sat on the municipality in 1849 and was a director of the Colonial Bank and Protecteur Fire Assurance (concerns identified with commercial class interests)¹¹⁰. Aaron de Pass was one of the four prominent citizens sent to Simonstown in 1849 by the Cape Town Municipality to prevent any convicts from landing and was elected a municipal commissioner in 1861¹¹¹. In addition, he and Joseph Mosenthal were committee members of the break-away Chamber

107. DSAB, Vol.III, p.638; Vol.IV, p.377; Hotz in Jews in SA, pp.350-351.

108. DSAB, Vol.I, p.56; E. Burrows, Overberg Outspan, (Cape Town, 1952).

109. A.P. Buirski, 'The Barrys and the Overberg', (Unpublished M.A. thesis, University of Stellenbosch, 1952), p.94. John Barry left to open the London office about 1860.

110. Almanac, 1848-1855.

111. DSAB, Vol.I, p.220.

of Commerce, founded in 1850 by members of the rising commercial class¹¹². James Murison was a director of the Tramway Company and chairman of the Green Point Municipality for nearly a decade (1865-1875)¹¹³.

The divergence of economic interests between the mercantile élite and the rising commercial class, however, should not be exaggerated. Principal representatives of both groups, H.C. Jarvis and J.B. Ebden, were directors of the Cape Town Railway and Dock Company, established in 1854¹¹⁴. Élite merchants and leading figures from the commercial class jointly invested in the Wynberg railways¹¹⁵. H.C. Jarvis sat with two prominent merchants, John Stein and Thomas Ansdell, on the Harbour Board, appointed in 1860 to carry out a breakwater and docks scheme for Table Bay¹¹⁶. The other members of this board were Saul Solomon, proprietor of the Cape Argus, and James Murison, both closely affiliated with the commercial class¹¹⁷. Merchants and municipal commissioners served as directors or managers of the Cape of Good Hope Savings Bank, a pioneer of its kind established in 1831 to remedy the shortcomings of the government-controlled Lombard and Discount Banks¹¹⁸. Contrary to Kirk's contention that the British merchants at the Cape did not find speculation on Namaqua copper

112. Almanac, 1851, p.197. See above, Ch. II, p.50.

113. M. Murray, Under Lion's Head: Earlier Days at Green Point and Sea Point, (Cape Town, 1964), p.42.

114. See Appendix B for this section.

115. Several wealthy merchants held shares in the Wynberg railways - J. Letterstedt (100), J.B. Ebden (30) and T. Ansdell (30) - along with J.A.H. Wicht (10 shares) and J.M. Maynard, who held a staggering 2108 shares (valued at over £15 000). (Details from their estates.)

116. Immelman, Men of Good Hope, p.185.

117. S. Solomon was a founder and chairman of Mutual Life Assurance and a director of the Gas Company: DSAB, Vol.I, p.759. (His brother Henry was the promoter of the Tramway Company and became its first secretary.)

118. Arndt, Banking, pp.487-491. An examination of the Almanac suggests that the directors included a number of élite merchants and municipal commissioners.

desirable¹¹⁹, several large mercantile houses and prominent merchants became involved in the copper-mining mania. Philips and King, Prince, Collison and Co., and Thomson, Watson and Co. worked mines at Spektakel, Springbok and Concordia. H. Watson, J.B. Ebden, H. Ross and A. Chiappini all applied for mining leases in 1854¹²⁰. Several businessmen from the ranks of the municipal commissioners also participated in the copper venture¹²¹. Men from both groups were also directors of the South African Mining Company¹²², founded in 1846 under the chairmanship of Baron von Ludwig to work copper mines in the vicinity of the Orange River. After two unsuccessful attempts it finally moved into operation in 1853¹²³. Both merchants and commissioners had shares in the Gaslight Company¹²⁴ and were members of the Agricultural Society. In dock and railway schemes, copper mining and in the commercial exploitation of agriculture there was, it appears, a coincidence of the interests of the mercantile élite and the rising commercial class.

Commercial growth and town expansion had thus fostered social change and class rivalry. A rising commercial class was challenging the political and economic predominance of the mercantile élite. Interest in house-

119. See above, p. 45.

120. Immelman, Men of Good Hope, pp.138-139.

121. They included J.A.H. Wicht, L.P. Cauvin, R.H. Arderne and E.G. Landsberg: Table in E. Blancheton (compiler), Universal Exhibition 1855 (Colony of the Cape of Good Hope), (Cape Town, 1855).

122. The directors included merchants, G. Thompson and T. Ansdell, and commissioners, H.C. Jarvis and W.L. Blore (Wardmaster 1849-54, elected Commissioner in 1855), and the printer Saul Solomon. Henry Solomon was auditor for the company: Almanac, 1855, p.365.

123. F.R. Bradlow, Baron von Ludwig and the Ludwigsburg Garden, (Cape Town, 1965), pp.63-66.

124. Merchants, H. Watson, H.E. Rutherford and Isaac Chase, the American Consul, were directors of the Gaslight Company, along with commissioners, C.F. Juritz, F.H. Kunhardt, P.M. Brink, S. Oliver and J.M. Wentzel, Almanac, 1845-1863.

hold property had given rise to a new class of landlords, allied to the Cape Town Municipality. Yet group alliances are never consistently coherent. In the early 1850s, for instance, several cases brought to the Commercial Exchange for arbitration involved disputes between Cape Town merchants and shipowners¹²⁵. When Alexander McDonald founded his new company in 1849, he wrote that he had incurred 'some censure in this place, and much jealous feeling has been manifested by some other Houses on the bold steps I have taken ...'¹²⁶. Furthermore, the process by which group interests are translated into political initiative is complex. Kirk's vision of 'financial interests' taking historical action tends to be rather mechanistic: historical processes also involve the actions of individual men, and non-economic factors, such as ethnicity, religious affiliation and familial ties, can carry weight. Indeed, there is strong evidence that family connections ran both parallel and contrary to apparent class allegiances. Landlord C.P. Brink, for example, inherited substantial household property from his father-in-law A.F. Carstens, also a landlord¹²⁷. F.G. Watermeyer's appointment as treasurer of the Cape Town Municipality in 1840, was attributed to the fact that he was 'the relation or friend of the majority' of the commissioners¹²⁸. On the other hand, J.M. Maynard, a prominent representative of the commercial class, left much of his vast property to his nephew, William Mortimer

125. Immelman, Men of Good Hope, pp.102-103.

126. See p.56 and footnote 58 above.

127. C.P. Brink married Carstens' daughter, Martha Francina. C.C. de Villiers and C. Pama, Genealogies of Old South African Families, (Cape Town, 1966), p.104. In 1854 he owned a number of properties previously held (in 1842) by A.F. Carstens: 3/CT 7/1/2/1/1 and 7/1/2/1/11 (Street Rolls 1842 and 1854).

128. SACA, 30 May, 1840. Letter to Editor from 'A Rate-payer' who wrote to complain about 'jobbing or favoritism' in the selection of both Watermeyer and P.J. Denyssen (as Secretary). F.G. Watermeyer was the brother-in-law of P.M. Brink who was on the Municipal Board in 1840. (P.M. Brink was also an uncle of C.P. Brink): De Villiers and Pama, Genealogies, p.104. Like the Wichts, the Brinks were a big property-owning family.

Farmer, who was a partner in the shipping house of William Anderson and Co., the original agents at Cape Town for the Union Line¹²⁹. In short, social and political change should be examined in all its complexity, and municipal politics usefully reflect such change.

One final question remains: which social groups became involved in the municipal affairs of Cape Town? L.P. Green has suggested that the wardmasters were to act as 'a middle-class check upon the commissioners in regard to regulations and financial matters ...'¹³⁰. Kirk has proposed that the conflict between the Cape Town Municipality and the Legislative Council represented a struggle between the rising commercial class of the city and the dominant merchant group. An analysis of the occupations of the wardmasters of 1842 and 1849, and the commissioners who held office over the period 1840 - 1854, may help to define more precisely the social basis of the two municipal boards¹³¹.

It is not entirely accurate to describe the Board of Wardmasters as 'middle class'. About one-tenth of the wardmasters were involved in professional occupations, and about one-fifth appear to have belonged to the commercial class, which included wine merchants, bankers, auctioneers and general agents. While there were three landowners amongst the wardmasters in 1842, there were none in 1849. The early wardmasters also included amongst their number some prominent local citizens. Both Buchanan brothers, for example, served as wardmasters in the mid-1840s¹³². William was the founder and editor of the Cape Town Mail,

129. Murray, Union Castle Chronicle, p.127. Farmer 'dispensed bountiful hospitality' to the officers on the Union Line who visited him at the beautiful estate at Maynardville. See also Maynard's estate, MOOC 13/1/318 (44).

130. Green, Local Government, p.24.

131. See Appendices G and H.

132. D. Buchanan, wardmaster 1842-46, W. Buchanan, wardmaster 1843-46. Almanac, 1843-1847.

which became the mouthpiece of the municipality and the 'popular' party in the political turmoil of the convict crisis and the struggle over representative government. David Dale, who also worked on William's newspaper for a few years and later founded the Natal Witness, retained his interest in municipal affairs and became the first mayor of Pietermaritzburg¹³³. But the majority of the wardmasters was drawn from the ranks of tradesmen, shopkeepers, artisans and craftsmen. Their numbers swelled from about two-fifths to over two-thirds of the members of this Board. Since this group included grocers, haberdashers, jewellers, innkeepers, builders, coopers, carpenters and smiths, it would be more appropriate to view the Board of Wardmasters as 'petty bourgeois' in nature. Yet it is also possible to discern a process of social mobility; twelve of the 56 commissioners between 1840 and 1854 began their careers in municipal politics as wardmasters.

It has been noted that the commissioners, by virtue of the qualification for their election, were all landed proprietors. But there are other factors to be considered, such as wealth, occupation, ethnicity, familial ties and religious affiliation. In an attempt to define the nature and extent of change, the commissioners have been divided into two groups, those in office during the period 1840-47, and those during the years 1848-54. The commissioners did not constitute a homogeneous group. In both periods, about one-fifth of them were professionals (which includes one civil servant from the earlier period, W.F. Bergh, who served as a road magistrate). Three-quarters derived their income from capitalist pursuits: such men included wool and wine merchants, businessmen (directors of joint-stock companies), bank directors, retailers and brokers, shipping agents and shipowners, and entrepreneurs such as the well-known Jacob Letterstedt

133. DSAB, Vol.I, p.132.

who owned two flour mills, a distillery and a brewery¹³⁴. While the majority of these men appears to have belonged to the rising commercial class, there were among them representatives of the more established mercantile élite. In the earlier period, these merchants included Hamilton Ross, W.G. Anderson, Jacob Letterstedt, Maximilian Thalwitzer and Harrison Watson¹³⁵. But, by the latter period, they had disappeared altogether from the Board.

Other trends can also be discerned. In both periods the emergent class of landlords formed a strong contingent amongst the commissioners, making up about two-fifths of their number. Nearly a third of the commissioners from both periods, too, appear to have represented agricultural interests. In the earlier period the most prominent were Hamilton Ross¹³⁶, Michiel van Breda¹³⁷, and Sir Christoffel

134. DSAB, Vol.III, p.512. Letterstedt established the first brewery in Newlands on his Mariendahl estate, near the site of the modern brewery. He later sold out to the beer king, Anders Ohlsson.

135. W.G. Anderson was a successful merchant involved in the coastal trade, who had been in business since the 1830s. He served on the committees of the Commercial Exchange and Chamber of Commerce and in 1853 became co-partner in the shipping firm of Anderson and Murison. See above, pp.66-67.

H. Watson was a leading merchant and shipping agent, proprietor of Thomson, Watson & Co. and the Phoenix Steam Co. He was chairman of the Commercial Exchange in 1839 and 1841-44, a director of the bank founded by Ebdon and the Commercial Wharf Co., and a trustee of the Steam Navigation Co. He was also the director of three insurance companies and consul for the Queen of Spain.

M. Thalwitzer emigrated from Germany to Cape Town in 1823, and established himself as a wool merchant. He was consul for the Hanseatic Cities, a prominent member of the Agricultural Society and a director of two insurance companies patronised by the mercantile élite. He owned a country seat in Newlands, named 'Little Saxony' after his place of birth.

136. H. Ross, see p.63 above.

137. M. van Breda founded the Agricultural Society in 1831 and was its first chairman; see also p.63 above.



C.J. BRAND, EDITOR OF THE ZUID-AFRIKAAN

Source: Cape Archives, AG 7383

Brand¹³⁸; from the later period one might mention D.G. van Breda¹³⁹ and P.A. Brand¹⁴⁰.

Perhaps one of the most interesting trends is the decline in number of the English members of the Board. (This group embraces British or locally born men whose natal tongue and cultural values were English; it does not include English speaking men of Dutch extraction.) In the earlier period, one-third of the commissioners were English, and mainly Anglican. The remaining two-thirds were of Afrikaner or German origin. In the latter period it seems that only one-fifth of the members were English, and they included two non-conformists, J. Cameron¹⁴¹ and R.H. Arderne¹⁴². Although the Afrikaner-German group had risen to three-quarters, the ratio of locally-born men to those born overseas - about two to one - remained constant. The sole Jewish member of the Board was Benjamin Norden¹⁴³. (Maximilian Thalwitzer, born in Saxony, was of Jewish extraction, but he became a member of the Dutch Reformed Church in Cape Town. However, he made financial contributions to the Jewish community.) While the Municipal

138. C.J. Brand served on the committee of the Agricultural Society and was a founder and, after 1839, the editor of Zuid-Afrikaan, which represented Afrikaner and farming interests.
139. Dirk van Breda was Michiel's son. He inherited the Oranjezicht estate, and was the Treasurer for the Agricultural Society founded by his father. See also p.63, above.
140. P.A. Brand was the brother of Advocate C.J. Brand and proprietor of Zuid-Afrikaan. He was also the editor 1831-1839.
141. James Cameron had worked as a missionary for the London Missionary Society in Madagascar since 1826. When missionaries were expelled in 1835, he settled in Cape Town where he practised as an architect and builder, constructing the first water conduit from Camps Bay to Sea Point. In 1856 he became the city engineer. He returned to Madagascar in 1863 to resume his missionary activities and to build memorial churches.
142. R.H. Arderne; see above, p.42 and footnote 37.
143. B. Norden, a merchant and trader, also initiated religious services among the Jews of Cape Town, who met regularly to worship at his home. He was thus a founder of the Jewish Society and a sponsor of the first synagogue.

Board of the earlier period had included three senior politicians, Hamilton Ross, Michiel van Breda¹⁴⁴ and Advocate Henry Cloete, all unofficial members of the Legislative Council, by 1844 they had disappeared from the ranks of commissioners. Whatever moderating influence they may have been able to exercise was henceforth removed as the municipality engaged in a deepening conflict with the colonial government. Yet experience in municipal politics could serve as a useful prelude to future participation in colonial politics. Thirteen of the 56 municipal commissioners in the period 1840-54 were to hold seats in the Cape parliament¹⁴⁵.

A recipe for rivalry, thus, was immanent in Cape Town society amongst the three main 'classes' involved in municipal politics: the long-established mercantile élite, the rising commercial class which dominated the Board of Commissioners, and the 'petty bourgeoisie' which formed the backbone of the Board of Wardmasters. Yet, historical actors should not be cast into watertight moulds; members of a particular social group do not always act in concert or promote the same goals, while supposed rivals may share common ambitions. What remains to be seen is how consistently these three groups acted in terms of their respective economic and class interests, through their participation in town affairs and colonial politics.

144. Michiel van Breda was chairman of the Municipal Board 1840-1843.

145. C.J. Brand became the long-standing Speaker of the House of Assembly (1854-1874) and H.C. Jarvis, J.A. Bam, J.M. Maynard, L.P. Cauvin, R.H. Arderne, J.A.H. Wicht, and P.A. Brand were also elected to this House. D.G. van Breda, J.H. Wicht, E. Landsberg, J. de Wet, H.C. Jarvis and J. Barry all served on the Legislative Council.

CHAPTER III

LAYING THE FOUNDATIONS OF MUNICIPAL GOVERNMENT

The first five years of municipal government in Cape Town were marked by the efforts to establish the newly formed municipality on a firm footing. Its position vis-à-vis the central authority of the colonial government, and its overlapping jurisdiction with the other main local authority, the Cape Town police force, had to be resolved. In order to regulate town affairs, and to supply the municipal treasury with an income, regulations had to be framed.

The men elected as commissioners differed in the extent of their commitment to their office. Some rarely attended the weekly meetings in the Town Hall (held on Wednesdays at ten o'clock); others maintained a vigilant presence. William Buchanan, editor of the Cape Town Mail, felt satisfied that municipal business was conducted 'with sedulous attention to the interests of the inhabitants ... One or two of the Commissioners', he noted, 'never appeared to attend these meetings ... While two - Mr Jarvis and Mr Brand, we never found absent from their posts'¹. The commissioners differed also in their motives. A measure of self-interest was discernible, particularly amongst the landlords who sat on this board. They were quick to draw attention to the state of the streets in which they owned property and usually secured the necessary improvements at the expense of the municipality². Most proprietors were permitted to carry out private street alterations, such as covering gutters or bridging over canals, but at

1. CTM, 4 February 1843.

2. The reports of C.L. Herman and J.A.H. Wicht, for example, prompted immediate repairs to upper Buitenkant and New and Church Streets, neighbourhoods in which they respectively owned rows of houses (see Appendix F): 3/CT 1/1/1/3 (MC), pp. 972, 985, 1005 and 1075.

their own expense³. On occasions, the landlords openly joined forces to defend their own interests. In September, 1841, F.S. Berning and J.H. Vos, proprietors of hire houses in the vicinity of Waterkant Street⁴, appeared before the board to complain that the wet weather had rendered the roads adjoining their properties nearly impassable. When it was proposed to lay a gutter in the street running between their houses, the suggestion that the matter should be held over until a list of all applications for street repairs could be considered, was defeated by the casting vote of the vice-chairman, H.C. Jarvis⁵, also a proprietor of hire houses in the same ward⁶. The recommendation to lay the gutter, furthermore, had come from two other landlords, C.L. Herman and J.A. H. Wicht, the commissioners to whom the matter had been referred. The Board of Commissioners was also something of a family affair, for a number of its members were related through family connections and marriage ties⁷.

Yet there were amongst the commissioners certain men who filled their office in a true spirit of public service. Most notable were Advocate Henry Cloete and the merchant prince, Hamilton Ross, both long-standing unofficial members

3. While the Town Overseer was instructed to cover the gutter in front of Commissioner Sherman's house, another resident, A. Heydenrych, was allowed to build a bridge over Long Street canal only if he paid for it himself: 3/CT 1/1/1/3 (MC), pp. 835 and 837.
4. Wardmaster of Ward 4 to Municipality, 6 April 1841: 3/CT 1/1/5/2, App. No. 422.
5. 3/CT 1/1/1/3 (MC), pp. 942 and 962-965.
6. See Footnote 4 above. Berning and Vos both subsequently became commissioners (see Appendix H).
7. C.P. Brink was the nephew of P.M. Brink, a cousin of A. Brink (Ds). W.F. Bergh was a cousin of O.M. Bergh. F.G. Watermeyer, the town treasurer, was the son-in-law of P.M. Brink, C.P. Brink the son-in-law of A.F. Carstens, J.H. Vos the son-in-law of J.S. Leibbrant, D.G. van Breda the son-in-law of G.H. Meyer and Michiel van Breda's son, Pieter, married a grand-daughter of J.J.L. Smuts. F.S. Watermeyer's son married the daughter of John Fairbairn, the political spokesman of the municipality through his newspaper. Sources: Death notices, marriage records and C.C. de Villiers and C. Pama, Genealogies of Old South African Families, (Cape Town, 1966).

of the Legislative Council⁸. When Cloete, after a short spell on the board, resigned as a commissioner in September 1841, the wardmasters and householders of District 12 requested him to continue in this office - a rare gesture of popular approval. Cloete was flattered but he found himself unable to continue 'without serious injury to my other Professional and Official duties'⁹. Apart from his responsibility to the Legislative Council, Cloete was also in practice until 1845, when he was appointed recorder of the new Natal district court¹⁰. Nevertheless, he had rendered valuable service in helping to draft the municipal regulations, a task for which his legal training was undoubtedly an asset. Hamilton Ross, a highly respected public figure already in his late sixties (on his death in 1853, all flags on government buildings were flown at half-mast¹¹), maintained a loyal interest in the municipality in whose creation he had played a central role. When scathing comments were delivered against the Cape Town Municipality in the Legislative Council on 14 April 1841, Ross was its sole defender: 'They have done a great deal of good', he declared, 'and made many improvements at comparatively small expense'¹². Indeed, Ross did not hesitate to bring to the attention of the municipality new moves in colonial policy of which his seat on the Legislative Council gave him prior knowledge. It was he who first alerted the municipality to the proposal of the Secretary of State, Lord Stanley, that 50 juvenile delinquents should be sent to the Cape to be apprenticed to the colonists, an issue

8. Cloete sat on the Legislative Council from 1836 to 1845, Ross from 1834 to 1849.
9. CTM, 11 September, 1841. Public letter of H. Cloete to Wardmasters and Householders of District 12.
10. DSAB, Vol. I, p. 171 ff. In 1855 Cloete became a judge of the Cape Supreme Court.
11. DSAB, Vol. II, pp.606-607.
12. CTM, 24 April 1841. See below, p.99.

which provoked universal protest¹³.

The early wardmasters, like new brooms, tackled their duties conscientiously. The Zuid-Afrikaan was glowing in its praise: commenting on a meeting at which the wardmasters had reconsidered the draft market regulations, the editor asserted that the householders of Cape Town had 'another opportunity of appreciating the efficiency and utility of a Board of Wardmasters, and of applauding the high character which they have maintained by their independent, temperate and reasonable conduct ...'¹⁴. But the wardmasters' initial enthusiasm appears to have declined. Already in February, 1842, the Zuid-Afrikaan, despite its strong sympathies towards the wardmasters, regretted that their 'thin attendance' at meetings had called forth observations that the colonists were 'unripe' for a Representative Assembly¹⁵. A year later the Cape Town Mail dismissed the wardmasters, 'with three or four exceptions' as 'a set of mere drones'¹⁶, a serious criticism when it is recalled that the editor, William Buchanan, and his brother, David Dale, both served as wardmasters in this early period¹⁷. The problem was that when the wardmasters had met to discuss the annual estimates of revenue and expenditure, they could not proceed 'with freedom'; the absence of 'those lazy animals the "drones"' meant that there were insufficient wardmasters present to make up the two-thirds majority required by law to alter the estimates¹⁸. This was to the detriment of their board, for one way in which the wardmasters could effectively make their will felt was by placing

13. 3/CT 1/2/1/1 (MW), 27 June 1842. See below, Chapter IV, pp.134-136. The Governor was clearly annoyed by Ross's action and informed Stanley that the public had been acquainted with the proposal through 'some incidental conversation' in the Legislative Council, while he himself had made no reference to the subject. Napier to Stanley, 7 September 1842: GH 23/14 (Vol.I), Despatch No. 165.
14. ZA, 23 April 1841. See below, pp.88-92.
15. ZA, 16 February 1842.
16. CTM, 4 February 1842.
17. See above, Chapter II, pp.72-73.
18. CTM, 18 February 1843. Letter to the Editor from 'Civis'.

limitations on the finances available to projects proposed by the commissioners¹⁹.

Instead of maintaining a serious devotion to duty, the meetings of the wardmasters, it seems, became spectacles for public amusement. They were 'as good as a play', recalls R.W. Murray, attracting 'crowded audiences' who used to 'applaud their favourite actors, and hiss those who were dull or unpopular ...'²⁰. One wardmaster in particular, Peter Tonkin, was the 'funny man' at these meetings, for his grammar 'had been neglected in his school-days, and this in the estimation of the crowd was his chief charm'²¹. The public, asserts Murray, cared little about the dirt or the disease which afflicted the town, and 'no note was taken of death-rate, or any other rate but that levied by Commissioners and Wardmasters'²². Indeed, municipal elections seldom aroused much popular interest. Few inhabitants voted in the elections for wardmasters in July 1841, and Wardmaster Canstatt complained of 'the apathy and careless indifference displayed by the public'²³. Again in 1843, the householders of Cape Town were chided for being 'too modest to propose themselves and too lazy to nominate others'²⁴. Public apathy remained a perennial problem. In 1848 it was reported that 'the election of a commissioner has become in some instances a mere nomination by a couple of idlers ...'²⁵.

In the first two years after its inception the Cape Town

19. See below, Chapter IV, pp.144-146.

20. Murray, Reminiscences, p.223.

21. Ibid.

22. Ibid.

23. CTM, 26 June 1841. The editor noted, however, that the time allocated to each ward to hold its election was 'extremely limited' and that in some wards there was not even a candidate standing for election.

24. CTM, 8 February 1843. Letter to Editor from 'Civis'.

25. CTM, 22 July 1848. The editor noted that some commissioners lacked the proper qualifications and did not really care about their duties.

Municipality gave priority to framing the municipal regulations. An examination of some of the amendments made by the wardmasters to the draft regulations put forward by the commissioners helps to identify points of difference between the two boards, and the wider social conflict which lay behind these differences. One of the first divisive issues centred on the question of the municipal rate. The commissioners had proposed to levy a rate based on the value of immovable property; the rate was to be paid either by the proprietor or by the occupier²⁶. The scheme was disallowed by the wardmasters, who resolved that the municipal tax should be paid upon the annual renting of immovable property²⁷. They also added the proviso that the proprietors alone should be responsible for the rate²⁸. All liability for municipal taxation would then, in effect, be thrown upon the proprietors of landed property, discharging the occupiers from the payment of taxes. The occupiers, argued the Zuid-Afrikaan, should pay their share for the benefits of municipal government²⁹, but at the same time it defended the wardmasters' proposal of valuation based upon rental revenue as 'fairer and more equitable'. The editor compared a poor widow living in a valuable dwelling house worth £2 000 to a rich proprietor 'letting a small house, value £250, and receiving a yearly rent of £30, thus deriving an income of 12 per cent'. Under a scheme which, for example, levied a rate of one per cent on the value of the property (as proposed by the commissioners), the widow would be hard hit (£20 tax), while the proprietor would pay little (£2 10/- tax)³⁰. The plan put forward by the commissioners clearly was in the interests of the proprietors, while the wardmasters emerged as the champions of the occupiers. The

26. GG, 26 June 1840. Supplement, Municipal Regulations, Sections 21 - 23.

27. 3/CT 1/2/1/1 (MW), 9 July 1840. (Vol. I of Wardmasters' Minutes has no page numbers.)

28. ZA, 10 July 1840.

29. Ibid. The editor, Christoffel Brand, was also a municipal commissioner at the time (until 1845).

30. Ibid.

commissioners aimed to minimise the financial burden on the proprietors; the wardmasters sought to place it exclusively on their shoulders. It was a pattern of social conflict that was to be repeated when other issues again divided Cape Town society³¹.

Since the two boards disagreed, the matter of the municipal rate was referred to a public meeting at which there were a 'great number of Householders in attendance', who decided in favour of levying the rate on the basis of the value of property³². The wardmasters accordingly ratified the amended regulations³³ which, after the Governor's approval, were duly published³⁴, and the rate for the period ending 31 December 1841, was later set at three farthings in the pound³⁵. For the moment the matter appeared to have been settled, but it continued to provoke dissent. In October 1841, certain inhabitants of Cape Town sent a memorial remonstrating against the system of raising municipal rates. The signatories proved, on analysis, to be Afrikaner businessmen, wine merchants and landlords, although two élite merchants, Francis Collison and G.W. Prince, also added their signatures. They protested that 'the landed Proprietors pay the whole of such Rates, whereas the greater part of the Inhabitants, quite competent to pay their share, and partaking of all the benefits of Municipal Regulations, contribute nothing'³⁶. It was proposed that all inhabitants from 16 to 60 years of age should contribute to the rates, and that all persons taking up residence in or leaving any ward should be obliged to give immediate notice to the relevant wardmasters³⁷. Their concern to keep a close

31. See below, Chapter IV, pp.141-142.

32. ZA, 7 August 1840. It has been impossible to discover which social groups were present at this meeting. The SACA fails even to record it.

33. 3/CT 1/2/1/1 (MW), 17 August 1840.

34. GG, 2 October, 1840. Proclamation of regulations.

35. 3/CT 1/2/1/1 (MW), 14 June 1841.

36. Inhabitants of Cape Town to Municipality, 21 October 1841. 3/CT 1/1/5/4, App. No. 981.

37. Ibid.

watch on the movements of citizens was suspicious - it implied a desire to transfer at least some of the burden of taxation to their tenants (the occupiers), who would not be able to escape easily by moving to another part of the town.

The committee appointed by the commissioners to investigate the complaint was sympathetic to the need 'to relieve the proprietors of houses from alone paying rates ... ' but did not concur with all of the suggestions made by the memorialists³⁸. With reference to the proposal respecting notices of removal from wards, the committee was satisfied that the case was already provided for by the regulation which required notice of changes of residence, births and deaths to be given to the office of the municipality³⁹. However, it recommended that the municipal revenue should be drawn from two main sources, one half from a general rate on immovable property, the other from a water rate to be recovered from 'the occupiers of houses only, without recurrence to the proprietor'. In response, the commissioners instructed the secretary to the municipality to frame new regulations in terms of the report⁴⁰.

The outcome was an attempt to introduce a water rate imposed not only on the inhabitants of Cape Town, but also on the residents of the Green Point Municipality (who were supplied with water from Cape Town) and on the colonial government itself⁴¹. This move reflected the intention of the commissioners once again to protect the interests of the 'proprietors of houses' in Cape Town. To ease the burden of taxation on these classes, the occupiers and even the colonial government would have to make a contribution.

The whole undertaking of framing the regulations provided

38. Report of committee: 3/CT 1/1/5/5 App. No. 18, 5 January 1842.

39. 'Regulations ... Business', Section 17, in Almanac, 1843, pp.52-53.

40. 3/CT 1/1/1/5 (MC), p.5.

41. See below, pp.108, 110 and 114.

the wardmasters with the opportunity of asserting their independence as a board and of defining an active role for themselves. They introduced, for example, a regulation which stipulated that the commissioners could not submit any matter to a meeting of resident householders which had not been previously submitted to the Board of Wardmasters⁴². Other amendments bestowed greater status and authority on the wardmasters. Residents wishing to deposit building rubble in the street, to excavate foundations or to cut stone, sift lime or mix mortar had to obtain the consent of one of the wardmasters (rather than the commissioners), who would then give notice to the office of the municipality⁴³. The wardmasters also perceived themselves as the champions of democratic procedures and fair dealing. It was they who insisted that both routine and special meetings of the commissioners be held 'with open doors', and that the treasurer and every other municipal officer should 'not be engaged, either directly or indirectly, in any other business, trade or profession' - the loop-hole clause 'in any way interfering with the duties of their office' was disallowed⁴⁴. The latter amendment was clearly related to the selection of F.G. Watermeyer as treasurer of the municipality and of P.J. Denyssen as secretary. A correspondent of the South African Commercial Advertiser complained of the 'jobbing' that had attended their appointments. It was well known that 'Mr Watermeyer has an extensive practice as agent and official trustee in insolvent estates ... [and] Mr Denyssen is a practitioner at the bar ...'; if they failed to relinquish these duties, it was argued, neither would be eligible to fill the offices to which they had been appointed⁴⁵. Since both men remained in office, the 'jobbing' was presumably checked. The Zuid-Afrikaan praised the wardmasters for having

42. 3/CT 1/2/1/1 (MW), 9 July 1840; 'Regulations ... Business', Sections 35 and 36, in Almanac, 1843, p.58.

43. 3/CT 1/2/1/1 (MW), 13 July 1840; 'Regulations for abating nuisances', Sections 15, 16 and 18, in Almanac, 1843, pp.61-62.

44. 3/CT 1/2/1/1 (MW), 6 July 1840; 'Regulations ... Business', Sections 2, 3 and 5, in Almanac, 1843, pp.49-50.

45. SACA, 30 May 1840. Letter to the Editor from 'A Rate-payer'.

expressed 'the true sense of the People in general - they have established their own independent character - they have in no instance allowed any infringement on public liberty - and we owe to them the vindication of the open doors principle'⁴⁶.

If the commissioners represented propertied interests, the wardmasters appeared to have acted in defence of the 'small man'. Several of the amendments they introduced were designed to check some of the petty restrictions and minimise some of the penalties proposed by the commissioners. A regulation allowing the police to destroy any water containers 'as cannot be filled without waste' was scrapped⁴⁷. The fine imposed on bakers for not conforming to the regulation stipulating the ingredients of bread was reduced from £50 to £20⁴⁸. Another regulation which would have prohibited the drivers of wagons and carts from roaming about the streets to ply for hire was disallowed⁴⁹. The wardmasters also opposed the proposal to charge any member of the public a fee for collecting clay, sand, gravel or lime-stone from the waste lands of the municipality⁵⁰, although permission to do so still had to be obtained from the commissioners⁵¹. Amendments to the Fish Market regulations made by wardmasters allowed fish vendors to continue cleaning fish within their own premises, and to sell at the market during certain hours on Sundays⁵², 'to prevent the poor fishermen', reasoned one wardmaster, 'from being put to the loss of what they had brought in on Saturday night'⁵³. The evident sympathy of the wardmasters towards the humbler classes of Cape Town was

46. ZA, 1 January 1841.

47. 3/CT 1/2/1/1 (MW), 14 July 1840.

48. Ibid., 21 December 1840.

49. Ibid., 22 December 1840.

50. Ibid., 6 December 1841.

51. 'Regulations for the Pasturage and Waste Lands ...', Section 4, in Almanac, 1843, pp.88-89.

52. 3/CT 1/2/1/1 (MW), 14 June 1841.

53. CTM, 19 June 1841.

contrasted by the attitude of the Superintendent of Police, Baron de Lorentz, who found the penalties allowed by the municipal regulations to be ineffective in checking the commission of various offences, and requested extra powers to inflict in some cases 'in addition to the imprisonment, corporal punishment, hard labour or spare diet'⁵⁴.

Certain differences in opinion between the two boards over the municipal regulations had wider ramifications. A case in point concerned the regulations affecting butchers. When the commissioners proposed to prohibit the slaughtering of any animals within the limits of the municipality after 1 April 1841⁵⁵, they sparked off another controversy. The basic issue related to whether or not the Shambles should be retained. Since 1818 butchers had been permitted to slaughter and to sell meat in any part of the town found to be most convenient. However, a number of problems arose: slaughter houses appeared in many parts of the town, to the discomfort of residents, accidents occurred as a result of cattle being driven in the streets, and the public experienced much inconvenience 'from the want of a proper meat Market, where the buyer might seek for the best and cheapest article'⁵⁶. The Burgher Senate had erected the butchers' Shambles (situated near the waterfront, off lower Strand Street) as a solution, but after that institution was abolished (in 1827), the Shambles fell into decay and suffered from the lack of cleanliness and proper supervision.

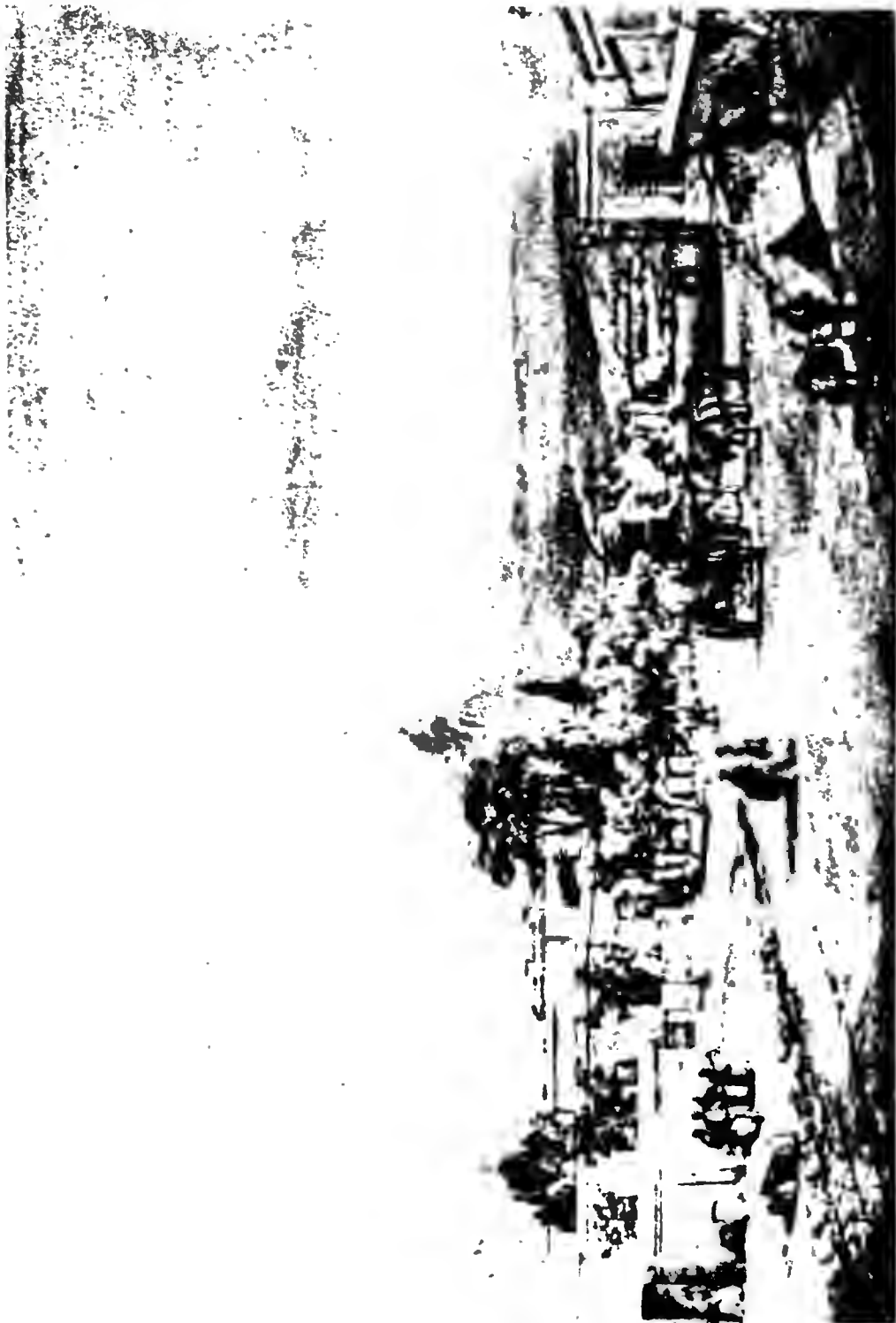
Two problems had to be addressed: 'the present abominable nuisance at the Shambles, arising from the state of dirt and filthiness' and the 'heavy expense' which would be required to repair the Shambles⁵⁷. The wardmasters, in opposition to the commissioners, proposed to allow

54. 3/CT 1/1/1/2 (MC), p.670. Statement of De Lorentz to the commissioners on 9 June 1841.

55. GG, 6 November 1840 (MN).

56. ZA, 8 January 1841.

57. Ibid.



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SIR LOWRY ROAD, CLOSE TO THE TOWN MARKET

Source: F. Bradlow, Thomas Bowler. His Life and Work

slaughtering to be continued at the Shambles, so long as all offal was buried on the beach⁵⁸. It was argued that an alteration of the existing system would lead to an increase in the price of meat, whilst the nuisances could be abated by the strict enforcement of regulations dealing with the driving of cattle and the cleanliness of the Shambles⁵⁹. However, the cost of repairs to the Shambles was estimated at £4 000, money which could usefully be spent on the waterworks and public reservoir⁶⁰. When the matter was put to a meeting attended by a 'large number' of householders, they 'nearly unanimously' voted to adopt the regulation proposed by the wardmasters. The public apparently preferred the convenience of a centrally located meat market - even those who agreed that slaughtering should take place outside the municipality, still considered that the Shambles should remain as meat shops⁶¹. In defending a system which seemed to guarantee cheap meat to the inhabitants generally, the wardmasters once again stood as the champions of the householders.

Dispute over the market regulations brought the municipality into conflict with the colonial government. When the draft regulations first came before the Board of Wardmasters, some useful alterations were made, claimed the Zuid-Afrikaan, 'for the protection and convenience both of the farmers and of the purchasers on the Market'⁶². Business was set at fixed hours so that the farmers would no longer be 'at the mercy of the "Market Smousies", cheating them in every possible manner - obstructing and actually preventing all fair competition - and keeping away from the Market other buyers ... '⁶³. Disputes between buyer and seller could also be more fairly and effectively handled. Both parties

58. 3/CT 1/2/1/1 (MW), 24 November 1840.

59. ZA, 27 November 1840.

60. Ibid.

61. ZA, 8 January 1841.

62. ZA, 27 November 1840.

63. ZA, 11 June 1841.

could go directly to the Town House to settle 'all questions arising about weight, measure or tare ... '64. The new regulations seemed to offer great benefits to the users of the market. When they were laid before the Executive Council for ratification, only the dues to be charged on produce passing through the market were amended⁶⁵. However, the wardmasters in discussing these amendments rejected the Governor's abolition of the market due on wool⁶⁶. Meeting again on 8 March, 1841, the Executive Council agreed to forego all objections to the market dues, except in regard to wool⁶⁷, but the wardmasters stood firm and once more resolved not to adopt the Governor's amendment⁶⁸.

The commissioners then suggested a compromise: they proposed to reduce the original due from 1/6 to sixpence per 100 lbs of wool⁶⁹. Vice-chairman H.C. Jarvis explained to the wardmasters that the estimate for 1841 calculated on drawing £3 000 from the town market, but only £680 had been received. The best way of making up the deficit, he suggested, was to charge a due of sixpence on wool, rather than increase taxes on the inhabitants⁷⁰. Wardmaster Benjamin Norden extolled the virtues of the new regulations which would put a stop to the old 'system of fraud, theft, monopoly and forestalling' under which buyers had exploited unwitting farmers. But, he inveighed, 'we are to be deprived of the power to do anything merely because a number of Merchants have commenced sheep

64. ZA, 27 November 1840.

65. GG, 12 February 1841.

66. 3/CT 1/2/1/1 (MW), 22 February 1841.

67. EC, Vol.I (Minutes), p.252.

68. 3/CT 1/2/1/1 (MW), 15 March 1841.

69. 3/CT 1/1/1/2 (MC), 17 March 1841.

70. CTM, 17 April 1841. Verbatim report of the meeting of wardmasters on 13 April 1841 and the source of the following citations.



MICHIEL VAN BREDA

Source: Cape Archives, M 178

farming ...', because Mr van Breda⁷¹ and others had gained the good will of Colonel Bell (Secretary to Government) and 'induced him to oppose the wishes of the Municipality'. The 'real farmers', Norden contended, were willing 'to pay for the protection' afforded by the market regulations. Besides, a due of 1/6 was very fair considering that the Burgher Senate, he recalled, had fixed the duty at one rix dollar (4/-) in 1812, when the wool trade was still in its infancy. Once again the wardmasters confirmed their proposal to levy a market due of 1/6 upon 100 lbs of wool⁷².

The colonial government, on the other hand, was attempting to protect the wool trade - there seemed to be some truth in Norden's allegation of a conspiracy between the government and the mercantile élite, who were becoming involved in wool farming. 'If the poorest Farmer is subject to a Market fee', declared the Zuid-Afrikaan, 'we really cannot see why the Wool Farmer, the most flourishing of all, should be exempt'⁷³. Wine and grain, it was argued, were equally a staple produce as wool; if the first paid a duty, why should not the latter?⁷⁴. The wardmasters' insistence on imposing the due on wool was directed against the mercantile élite. Their desire to reform the market system was aimed at destroying, on behalf of local trading interests, the monopoly which the mercantile élite exercised, while taxing them in the process. 'Town Market indeed!', wrote a correspondent to the Cape Town Mail. 'What benefit have the industrious Tradesmen, Clerk, Mechanic or Labourer ever derived from the place

71. Michiel van Breda, Chairman of the Board of Commissioners from 1840 to May 1844. Wardmaster Canstatt had declared that it was 'by no means a question between the Wardmasters and the Government, nor between the Commissioners and the Wardmasters, but it is a question between our honourable President and the Municipality. He [i.e. van Breda] has promised the farmers that they shall pay no wool dues, and he has influence enough to induce the Government to adopt his views.': CTM, 17 April 1841.

72. 3/CT 1/2/1/1 (MW), 13 April 1841.

73. ZA, 23 April 1841.

74. ZA, 27 November 1840.

bearing that name? The proper term for it would be the Cape Town Mercantile Monopoly Ground, conducted, as it is, almost exclusively for the benefit of Dealers in Provisions and Agricultural Produce, or their very honest Agents ...⁷⁵, who were guilty, he implied, of 'forestalling', i.e. stopping farmers on their way to the market and buying up their produce at unfairly low prices. The writer was obviously referring to the large merchant houses (backed by metropolitan capital) involved worldwide in the import-export trade. Their monopoly of the market would have to be crushed if local purchasers were to enjoy fair competition, a goal the wardmasters were determined to achieve.

Meanwhile the Executive Council decided that the repeated rejection by the wardmasters of the Governor's amendment with regard to the due on wool left no other course remaining but to return the market regulations for framing de novo⁷⁶. At a special meeting, a majority of the commissioners resolved that a due on wool was 'fair and reasonable' and proposed a new due of nine pence per 100 lbs 'with the view only of composing the different opinions upon this subject'. Michiel van Breda and Hamilton Ross, both of whom prospered in the wool trade, noted their dissent⁷⁷. When the re-drafted regulations were transmitted to the wardmasters, they immediately suggested the original due of 1/6 on wool⁷⁸. They were also determined to put an end to forestalling. A new regulation was framed which would penalise any inhabitant of Cape Town who proceeded beyond the municipal limits to 'stop waggons on the road to market and purchase their freight [and] by which means forestall the Market ...'⁷⁹. It was wisely decided to seek the opinion of the Attorney General, William Porter, who

75. CTM, 24 April 1841. Letter to the Editor from 'A Reformer'.

76. EC, Vol. I (Minutes), p.253, 19 April 1841.

77. 3/CT 1/1/1/2 (MC), pp.577-582.

78. 3/CT 1/2/1/1 (MW), 10 May 1841.

79. Ibid., 3 May 1841.

replied that the municipality could only 'interfere with acts to be done within the Municipal limits'⁸⁰. Nevertheless, forestalling could still be checked by a section which allowed no wagon carrying produce to pass the market without being registered, whether the produce was 'bought there to be sold or intended to be taken into town for sale, storing or consumption ...'⁸¹. At the same time, the wardmasters raised all fines specifically aimed against forestalling⁸². Faced with such determination, the colonial government yielded. The market regulations were read to the Executive Council, confirmed and ordered to be published, all on the same day⁸³.

The town market, however, continued to be a focus of conflict. Regular pleas were received both from prominent merchants⁸⁴ and from small-scale tradesmen⁸⁵ to abolish the market dues on certain articles. The response was always the same; the commissioners refused to 'interfere' with the existing market regulations⁸⁶. Even government departments bringing produce or articles from without the limits of the municipality were not exempted from paying the market fees⁸⁷. Yet this apparent impartiality failed to disguise the essential concern of the commissioners.

80. Ibid., 10 May 1841.

81. 'Regulations for the Town Market', Section 9, in Almanac, 1843, p.78.

82. CTM, 15 May 1841. Their stand on fair competition at the town market was consistent with their protection of the fishermen and their defence of the butchers.

83. EC, Vol. I (Minutes), p.255, 5 June 1841.

84. Jacob Letterstedt protested against the duty imposed on Cape beer: 3/CT 1/1/5/3, App. No. 614. G.W. Prince objected to paying a due on foreign wheat passing the market en route to his mill for grinding into flour: 3/CT 1/1/1/3 (MC), pp.1023-1028, 15 September 1841.

85. A local builder, for example, complained that the dues on bricks amounted to 'more than four times more than my profits': H. Adams to Municipality, 21 July 1841, 3/CT 1/1/5/3, App. No. 636.

86. For example, Municipality to Letterstedt, 28 July, 1841: 3/CT 3/1/1/1 (LB), p.179.

87. 3/CT 1/1/1/3 (MC), pp.763-765, 7 July 1841.

Market dues were a lucrative source of municipal revenue, accounting for nearly 40 per cent of the income in the years 1842 to 1844⁸⁹. The commissioners would steadfastly refuse to grant any exemptions - unless their own individual or group interests were compromised.

One of the major interests of the commissioners was the trade in wine and brandy. In October 1841, the commissioners suddenly revised their customary position by unanimously resolving to suspend the market dues on wine and brandy⁹⁰. This proposal was unanimously rejected by the wardmasters⁹¹. Once again, the two boards found themselves in open conflict over an issue which related to municipal taxation. The commissioners, most of whom were wine merchants and exporters⁹², were anxious to protect the ailing wine trade from which they had profited so signally. Wine exports from the Cape were jeopardised by a commercial treaty between Britain and France, which would reduce duties on French wines⁹³. 'Poverty, misery, ruin are the prospects of the Wine Farmer', wailed the Zuid-Afrikaan, '[from] lack in trade, want of customers, [and] unsaleable merchandize ... '⁹⁴. The editor regretted that the wardmasters had failed to co-operate in bringing 'relief to distressed farmers'. But they had rejected the suspension of market dues on wine because they believed that it would benefit 'the Merchant', who, they argued, paid the dues instead of the farmer⁹⁵.

89. The market contributed £15 634 (37,8%) of the total revenue of £41 498 for the years 1842, 1843 and 1844: Table of statistics published in ZA, 25 February, 1845 (figures to the nearest Pound).

90. 3/CT 1/1/1/3 (MC), p.1107, 6 October, 1841.

91. 3/CT 1/2/1/1 (MW), 11 October, 1841.

92. Nine of the twelve commissioners of the 1841 Board (H.C. Jarvis, G.H. Meyer, W.G. Anderson, J.A.H. Wicht, J.H. Hofmeyr, C.L. Herman, H. Sherman, M. van Breda and M. Thalwitzer) signed a memorial from wine growers and merchants to the British Treasury, praying for relief on the duty on Cape wines imported into Britain: GH 28/17, pp.1067-1082. H. Ross was also a major wine exporter.

93. ZA, 5 October 1841.

94. Ibid.

95. ZA, 12 October 1841.



BENJAMIN NORDEN, 1768-1875
10th SETTLER AND FOUNDER OF FIRST HEBREW
COMMUNITY IN SOUTH AFRICA
By Mrs. J. N. P. P.

BENJAMIN NORDEN

Source: L. Herrman, A History of the Jews in South Africa

However, the wardmasters were primarily concerned that this exemption would entail a loss of municipal income, which would consequently have to 'come out of the pockets of the Householders, who were now already grumbling at the 3 farthing rate [on property] ...'⁹⁶. If the commissioners were concerned about personal financial losses due to a decline in the wine trade, the wardmasters viewed the possibility of an increase in the tax on property with alarm.

The wardmasters were determined to enforce the market regulations for a second reason - the protection of small trading interests. This appears to be confirmed by a statement made by an irate inhabitant, D.J. Aspeling. 'Laatde Municipaliteit na den duivel gaan', he declared, 'de Municipale Wettin Zyn door Smouser, Joden & Schoenmakers gemaakt om de boren te benaardin'⁹⁷. The imprecation had been overheard and reported to the commissioners by Wardmaster Holtman, whom Aspeling had denounced 'as one who had assisted in passing [these] laws'⁹⁸. The wardmasters generally, implied Aspeling, were responsible for the market regulations. His reference to 'Jews' appears to have been aimed against Benjamin Norden. Through his independent and candid views Norden had emerged as a leading spokesman of the wardmasters⁹⁹. Norden, an enterprising trader whose activities ranged from collecting ivory to exploiting the guano islands on the west coast¹⁰⁰, had been keen to promote the new market system introduced in 1841, and had conducted

96. Ibid.; the loss was estimated at £700.

97. Translation: 'To hell with the municipality; the municipal regulations have been made by Traders, Jews and Shoemakers to the injury of the farmers': 3/CT 3/1/1/1 (LB), p.348, 21 January, 1842. In the days of Dutch rule the word 'smous' originally meant a Jewish pedlar. By the 1830s it was applied to traders in foodstuffs and household goods: N. Parsons, A New History of Southern Africa, (London, 1982), pp.96-97.

98. Aspeling had been employed by the municipality as a poundmaster at the town market, but was dismissed shortly after this incident: Municipality to Aspeling, 2 February 1842: 3/CT 3/1/1/1 (LB), p.358.

99. ZA, 7 August 1840.

100. DSAB, Vol. I, p.594.

public sales at the market, to demonstrate how well it worked¹⁰¹.

In criticising the market regulations for being injurious to the farmer, Aspelung reflected wider, but unfounded, opinion. The issue came to a head when the Cape Town Municipality was openly criticised by its own chairman. In the Legislative Council on 12 January 1842, Michiel van Breda, speaking as a 'Swellendam farmer', drew attention to the discontent of farmers with the market regulations. The farmers were 'grumbling' because they could not 'go and come when they like and dispose of their produce in the way they may consider'¹⁰². Several memorials had been sent by farmers to the municipality, he alleged, but 'without effect; they can get no redress'. He wondered if the Governor had any power to 'interfere', but was informed that this was not the case. Van Breda had good reason for voicing the dissatisfaction of the farmers - he had been fined for conveying a large quantity of wool into the municipality without taking it through the legal channel, the town market¹⁰³. Hamilton Ross came to the defence of the municipality. All applications from farmers, he stated, had been patiently heard. Once the regulations had been explained to them, they were 'generally convinced' that all parties benefited from proceedings at the market. Most complaints, Ross noted, came from farmers 'who hav[ing] been in the habit of driving through, and paying the dues or not, as it suited them, are now prevented from doing so'. The regulations, he concluded, 'were also intended to secure the proper collection of the market dues'.

Here lay the heart of the matter: while some farmers

101. ZA, 18 June 1841.

102. CTM, 19 February 1842. The following section is based on this source.

103. CTM, 5 February 1842. Case heard in the court of the Resident Magistrate. Van Breda had complained of the inconvenience and delay he would have experienced by going through the market.

complained of delays and inconvenience¹⁰⁴, it appears that what they really found vexatious was the efficacy of the new regulations in ensuring that there was no escape from paying market dues. In their determination to guarantee the market's substantial contribution to the town treasury, both commissioners and wardmasters found common ground. Both wished to avoid additional rates on property, the former because this could burden the proprietor, the latter because this could mean increased rent for the occupier¹⁰⁵. The municipality continued to stress to the farmers the benefits of the new market system - fair dealing, higher prices and freedom from 'a set of Swindlers who preyed upon your pockets like so many Vultures'¹⁰⁶. But it adamantly refused to alter or abandon the new market system on which it relied for income. Indeed, stricter penalties were introduced to enforce compliance with the market regulations¹⁰⁷. In addition, the police had been requested to stop wagons from passing the town market at night without complying with the market regulations¹⁰⁸.

After embarrassing the municipality by his remarks in the Legislative Council, van Breda was summoned before the Board of Commissioners. He was obliged to retract his statement, claiming that it was made 'under erroneous information'¹⁰⁹. The Zuid-Afrikaan rejoiced to note that van Breda had altered his opinion, 'convinced as he now must needs be, that the interest of the Farmer is seriously attended to by the Commissioners ... '¹¹⁰. The matter seemed to be

104. Municipality to Agriculturalists at Klapmuts, Bottelary and Groenberg, 29 October, 1841: 3/CT 3/1/1/1 (LB), pp.276-281. Reply to memorial from farmers.
105. See below, Chapter IV, pp.138-139.
106. See footnote 104 above.
107. 3/CT 1/2/1/1 (MW), 8 December 1842. Amended regulation unanimously approved. Every person who knowingly induced any 'proprietor of produce' to contravene these regulations would be fined, and one-half of the fine would be paid to the informer!
108. 3/CT 1/1/1/3 (MC), p.1050, 15 September 1841.
109. 3/CT 1/1/1/5 (MC), pp.92-93, 9 March 1842.
110. ZA, 15 March, 1842.

settled and complaints from farmers, for the while, became infrequent. But the question of the market due on wool was raised again by a letter from F.W. Reitz, the prosperous Swellendam sheep farmer and prominent Cape politician. Writing on behalf of the influential Swellendam Agricultural Society, he requested a repeal of the duty on wool bound for export, since it was not intended for sale in Cape Town. Complaint was also made that the due on wool sold at the market was unreasonably high when compared with other articles of produce, such as wine and grain¹¹¹. The commissioners dismissed the plea, simply noting that they could not take the matter into consideration¹¹². Although they had been ready, out of self-interest, to make a concession on the market due on wine, they had fought a battle with the colonial government over the due on wool, and could hardly be expected to surrender the fruits of victory.

While the dispute over the market regulations was in progress, a struggle was occurring simultaneously at another level - between the municipality and the Cape Town police. The origins of this conflict lay in the conditions under which the new police force was created. Both Ordinance No. 9 of 1836 ('for the creation of Municipal Boards in the Towns and Villages of this Colony ...') and the abortive Ordinance No. 3 of 1839 ('for the creation of a Municipal Board for Cape Town ... ') had conferred certain police functions on the municipalities of the Cape. Commissioners were required to appoint 'watch-house keepers, serjeants of the night, watchmen, patrols, street-keepers and other persons' to protect the inhabitants, houses, property and streets of the town and to act as constables¹¹³. However, Ordinance No. 1 of 1840 stipulated that because of the imminent establishment of a police force in Cape Town (in terms of

111. Reitz to Municipality, 31 July, 1843: 3/CT 1/1/5/11, App. No. 604.

112. 3/CT 1/1/1/6 (MC), p.382, 9 August, 1843.

113. CCP 6/3/1/4, clauses 31 and 32 of Ord. 9 of 1836 and clauses 41 and 42 of Ord. 3 of 1839.

Ordinance No. 2 of 1840), the necessity for such appointments would altogether be superseded¹¹⁴. One of the duties of the newly established police was 'to prevent, abate, and suppress all such nuisances and offences' as defined by the municipal regulations¹¹⁵, and this became a key issue in the dispute between the municipality and Baron de Lorentz.

Complaints about the filthy state of parts of the town soon began to reach the municipality¹¹⁶. The commissioners forwarded them to De Lorentz, requesting him to give directions for the nuisances to be abated¹¹⁷. In his reply De Lorentz stated that the police were ready to assist the municipality but 'could not be charged with the responsibility of preserving the cleanliness of the Town'¹¹⁸. At this point the commissioners referred the matter to the government. The provisions of the 17th section of the Police Ordinance, they argued, appeared to obligate the officers of the police 'to abate every nuisance pointed out to them by any credible person ... ', and they requested the Governor to give 'such directions as will fully ensure the execution of Municipal regulations'¹¹⁹. Colonel John Bell, the Secretary to Government, replied that the municipality was responsible for the cleanliness of the town 'by its proper officers and scavengers'; it was the duty of the police only to assist 'in the works of prevention and punishment'¹²⁰. With his reply, Bell enclosed an 'Abstract of Nuisances' which the police could

114. *Ibid.*, clause 50 of Ord. 1 of 1840. The office of 'streetkeeper' was, however, omitted from the list of appointments to be superseded.

115. CCP 6/6/1/1 (Statute Law), clause 17 of Ord. 2 of 1840.

116. Dr Bickersteth (assistant surgeon at Somerset Hospital) to Municipality, 3 November 1840. 3/CT 1/1/5/1, App. No. 82; Wardmaster Twycross to Municipality, 5 November 1840, in ZA, 30 April 1841 (Supplement).

117. Municipality to De Lorentz, 6 November 1840: 3/CT 3/1/1/1 (LB), p.22.

118. De Lorentz to Municipality, 6 November 1840: 3/CT 1/1/5/1, App. No. 86.

119. Municipality to Bell, 11 November 1840: 3/CT 3/1/1/1 (LB), p.26.

120. Bell to Municipality, 18 November 1840: 3/CT 1/1/5/1, App. No. 106.

be expected to assist in abating. This abstract was amended by the commissioners and returned to Bell with the suggestion that it be transmitted to the police¹²².

In March 1841, the commissioners again wrote to the Secretary to Government to protest that the town continued to be subject to nuisances which, in consequence of their difference of opinion with De Lorentz, were not being removed¹²³. The matter was debated in the Legislative Council on 14 April 1841. Colonel Bell blamed the wardmasters for opposing the appointment of streetkeepers. The only serious complaint the wardmasters had against the police, he alleged, was that 'they wear white gloves and object to dirtying their hands, by cleaning away impurities from the streets'¹²⁴. The Government, he insisted, 'will not be coerced into compelling the police to act in a capacity so incompatible with the real object and character of that force'. Michiel van Breda declared that the wardmasters should be ordered to appoint streetkeepers, but the Governor, Sir George Napier, replied, 'We cannot do that; they might snap their fingers at us there'. H. Cloete¹²⁵ also laid the blame on the wardmasters who had rejected the appointment of streetkeepers, he averred, in a parsimonious spirit of anxiety to confine municipal

122. Municipality to Bell, 11 December, 1840: 3/CT 3/1/1/1 (LB), p.46. The most menial duties were imposed on the police. Some of the nuisances and offences which required police intervention dealt with the destruction of stray dogs, pigs, goats and poultry, careless or furious driving, the depositing of rubbish at improper places, the washing or hooping of casks in the streets, kite flying, trundling hoops or other games, the discharging of fire arms, the wasting of water or bathing and washing at public fountains, street-begging, prostitution, nightwalking and indecent or obscene exhibitions, writings or language!

123. Municipality to Bell, 29 March 1841: 3/CT 3/1/1/1 (LB), p.122.

124. CTM, 24 April 1841. The following section is derived from this account.

125. There were two H. Cloetes on the Legislative Council at this time, Hendrik Cloete, son of Hendrik Cloete (Senior) (1758-1818) (who had inherited the Groot Constantia wine estate) and Henry Cloete (1792-1870), who later became a judge in the Cape Supreme Court, usually referred to by the press in the early 1840s as 'Advocate Cloete'. The person here is presumably Hendrik.

expenditure to 'the smallest possible sum'. In response to this discussion, the commissioners and a defiant body of wardmasters gathered at the Town Hall on 3 May 1841¹²⁶.

At this meeting the wardmasters argued that the whole matter had been misconstrued. It was never intended that the police, explained Wardmaster Twycross, 'should take out their staves and kill dogs, or act as coolies in carrying away filth and rubbish from the streets'¹²⁷. Since the police used 'convicts or extra men' to assist them in removing drunkards from the streets, they should do the same to abate nuisances. 'Let the Police wear white gloves, if they please', he retorted, 'and silk stockings besides, but let them have orders to interfere ...' in the abatement of the nuisances as defined by the municipal regulations. Part of the quarrel was aimed directly at Baron de Lorentz, criticised as 'one officer we might dispose of, with a saving both to the Municipality and to Government', unlike Inspector King 'who does nearly the whole duty' of running the force and who had 'a very fine set of men under him'. When 'glaring' nuisances had been pointed out to the police, alleged Wardmaster Norden, they had had 'orders not to notice them' (from De Lorentz, it was implied). Another wardmaster even praised the police for their quick action in aborting a would-be murder; if they would co-operate as heartily in abating nuisances, the municipality had an 'abundance of carts and labourers' to assist them¹²⁸.

Another aspect of the dispute related to the wardmasters' spirit of independence. Advocate Christoffel Brand (editor of the Zuid-Afrikaan) told the meeting that if the 'independent body' of wardmasters was to 'give in' on the issue, the government would perhaps 'seek to do away with other Regulations which are equally law [i.e. lawful] ...'.

126. CTM, 8 May 1841.

127. Ibid. The following section is derived from this account.

128. Wardmaster Norden claimed that the municipality had in its employ 60 labourers with carts as well as two overseers.

Wardmaster Constatt agreed, believing that 'we are called upon to make a stand to prevent this Institution from being annihilated'. In the end, the wardmasters resolved not to adopt draft regulations for streetkeepers¹²⁹. It was a direct snub to the Governor, whose comment that 'they might snap their fingers at us' was interpreted by the wardmasters as implying that they were 'rebels' unfit for their duties¹³⁰. In this matter the wardmasters were backed by most of the commissioners (Hamilton Ross had dissented) who had also decided not to appoint any streetkeepers¹³¹.

Although Baron de Lorentz subsequently appeared in person at a meeting of the wardmasters to assure the municipality of his support¹³², the dispute over the role of the police force dragged on. The commissioners continued to request De Lorentz to deal with a variety of petty nuisances: the pollution of Rogge Bay beach, the washing of carriages in public streets, and a deranged person being 'at large'¹³³. Complaints were also laid against the unwarranted intervention of the police. On one occasion two constables forcibly prevented municipal assizers from seizing the weights and measures of a shopkeeper who had denounced the assizers as 'robbers and thieves [sic]',¹³⁴. On another, the police caused uproar at the town market when they entered it 'intending to destroy dogs of the farmers present'¹³⁵.

129. 3/CT 1/2/1/1 (MW), 3 May 1841.

130. Response of Wardmaster Norden at the meeting on 3 May 1841: CTM, 8 May 1841. See above, p.99. Napier had openly sided with the police, stating in the Legislative Council debate that if 'such incongruous duties' (as street keeping) were expected from the police, and if the quarrelling with the municipality continued, 'I feel assured that Mr King will not stay here': CTM, 24 April 1841.

131. 3/CT 1/1/1/2 (MC), pp.577-582 (1 May 1841). The commissioners had also concurred with previous resolutions of the wardmasters refusing regulations for the appointment of streetkeepers.

132. CTM, 10 July 1841. Report of wardmasters' meeting of 6 July, 1841.

133. Municipality to De Lorentz, 24 June and 4 July 1842: 3/CT 3/1/1/1 (LB), pp.468 and 473; 3/CT 1/1/1/5 (MC), p.223.

134. 3/CT 1/1/1/5 (MC), pp.277-279, 22 July 1842.

135. 3/CT 1/1/1/6 (MC), p.366, 23 August 1843.

De Lorentz apologised for the 'error in judgement' and the 'ignorance' of municipal regulations which had led to these actions¹³⁶. Finally, at the peak of irritation, the secretary of the municipality wrote to De Lorentz, listing various nuisances of which 'no sufficient notice is taken by the Police'¹³⁷.

In his reply, De Lorentz admitted that 'nuisances continue to exist', but argued that the police 'acting as streetkeepers' could not be expected to check these nuisances without the assistance of the wardmasters¹³⁸. When the matter was referred to the wardmasters, they expressed their willingness to 'render every assistance' to the police, in order to ensure 'the preservation of Good Order' in their respective wards¹³⁹. Such promises, however, had a hollow ring. Various parts of the town continued to suffer from neglect and pollution, and this was not entirely due to the failure of the police to intervene. The drains in Sir Lowry Street, for example, were heaped with refuse and mud for weeks at a time because 'when the scavengers do make their appearance they but partially perform their duty'¹⁴⁰. Municipal officers, too, were not always scrupulous in carrying out their duties. On one occasion, for instance, the commissioners felt obliged to warn the Overseer of the Fish Market that repeated complaints about the accumulation of dirt along Rogge Bay 'tend to question the efficiency of your superintendence'¹⁴¹.

The situation became even more serious when De Lorentz

136. See footnotes 134 and 135 above.

137. Municipality to De Lorentz, 11 August 1843: 3/CT 3/1/1/2 (LB), p.193. These nuisances included soil tubs being carried through the streets at 'improper hours', dirt being deposited in unauthorised places, and wagons being driven 'at a furious rate'.

138. De Lorentz to Municipality, 12 August 1843: 3/CT 1/1/5/11, App. No. 632.

139. 3/CT 1/2/1/2 (MW), p.41, 4 December 1843.

140. Report on District 12, 6 January 1844: 3/CT 1/1/5/13, App. No. 20.

141. Municipality to Overseer of Fish Market, 15 July 1842: 3/CT 3/1/1/1 (LB), p.479.

informed the commissioners in September 1843, that the convicts employed by the police as scavengers (to collect rubbish) and to destroy stray dogs, goats and swine, were being removed from his service, in order to work on the road being constructed across the Cape Flats. He proposed that people appointed by the municipality should, in future, attend to these matters¹⁴². The commissioners, however, declined to make any such appointments because they were 'bound to repay to the Colonial Government a Certain proportion of the Expenses of the Police Department charged with the execution of these duties'¹⁴³. De Lorentz replied in a sternly-worded letter. The duty of destroying stray animals, he believed, belonged 'as strictly to the Town Municipality as does the duty of repairing the streets, etc.'. The police force, he argued, was modelled upon London's Metropolitan Police, and its 'fixed' duties were 'the prevention of crime, the detection of offenders who have committed crimes, the quelling of riots and affrays, and the protection of life and property'. De Lorentz was prepared to afford every assistance 'that can reasonably be expected' from the police, but he had also to pay heed to the 'respectability and efficiency' of the force¹⁴⁴.

Several issues were at stake in the conflict between the Town Hall and the police office: the cleanliness of the town, the role of the police and the question of municipal expenditure. In the mid-nineteenth century, disease was still closely associated with insanitary conditions; acceptance of the germ theory of infectious disease was a development of the future. With the 1840 outbreak of smallpox still fresh in the minds of the inhabitants of Cape Town, particular concern about the cleanliness of the town was all the more understandable. One resident, for

142. De Lorentz to Municipality, 4 September 1843: 3/CT 1/1/5/11, App. No. 699.

143. Municipality to De Lorentz, 8 September 1843: 3/CT 3/1/1/2 (LB), pp.213-214.

144. De Lorentz to Municipality, 29 April 1844: 3/CT 1/1/5/14, App. No. 375.

example, complained about a drain (near the Castle) where 'the Stench of the Miasma is Unbearable and so Putrid, that is enough to Breed Fevers ...',¹⁴⁵. Residents in the neighbourhood of Somerset Road protested about the dumping of refuse on the Green Point Common and the 'effluvia and myriads of flies which infest every part of their premises',¹⁴⁶. Obviously an effective remedy to the accumulation of filth in the streets and drains was needed. But the municipality, determined to exact the full benefits of its financial contribution towards the maintenance of the police establishment, insisted on holding the police responsible for the cleanliness of the town. Appointing streetkeepers would, furthermore, commit the municipality to additional expenditure, something which it strenuously sought to avoid¹⁴⁷. De Lorentz, on the other hand, believed that to impose street cleaning duties on the police force was an insult to its respectability and undermined its efficiency¹⁴⁸. If De Lorentz saw the role of the police as generally to maintain law and order, the municipality viewed the police as a convenient means to enforce municipal regulations.

Police intervention served the interests of the commissioners in two areas in particular - the defence of the town market and the protection of property. As has been noted, in 1841 the police had been requested to maintain a night watch to prevent wagons from by-passing the market¹⁴⁹. Again in 1846 the Market Master, on reporting that a farmer had

145. R. Baker to Municipality, 27 January 1844: 3/CT 1/1/5/13, App. No. 82.
146. Memorial of Residents of the Cape Town and Green Point Municipality, 14 May 1844: 3/CT 1/1/5/14, App. No. 428.
147. At the municipal meeting on 3 May 1841, Benjamin Norden had admitted that the wardmasters had opposed the appointment of streetkeepers 'to prevent the burden of too heavy a taxation from being laid upon this infant Municipality': CTM, 8 May 1841.
148. He continued to stress his 'utter disavowal' that such responsibility rested on the police - 'to hold them responsible would be to destroy ... the performance of those duties for which the Police can legitimately be held responsible': De Lorentz to Municipality, 20 January 1845: 3/CT 1/1/5/17, App. No. 78.
149. See above, p.96.

been robbed of his watch and money while fast asleep next to his wagon, suggested that a police officer be stationed during the night at the market¹⁵⁰. On several occasions, too, the commissioners reminded De Lorentz that the police force was 'a body intended to afford protection to life and property ...',¹⁵¹. In 1844, for example, W.F. Bergh, a resident of Roeland Street who also served as a municipal commissioner on the 1843 Board, complained that 'this part of the town is not very well attended to' by the police¹⁵². In defence of the police, Inspector John King reported that since the establishment of the force in 1840, 'not a house, store, shop, or gate has been broken, entered or in any way attempted either in Roeland Street ... or any part in that neighbourhood - even when Smith and his gang were in existence, this part of the Town was unmolested ...',¹⁵³. Although the commissioners cleared the police of 'wilful neglect', they felt obliged to remind the force of its duty to protect property¹⁵⁴. As has been seen, property was the vital concern of many commissioners whose income was partly derived from renting out 'hire houses' or from the interest payable on mortgages and bonds¹⁵⁵.

By May 1844, a position of stalemate had been reached between the municipality and the police. The commissioners responded by forwarding to the Governor copies of the correspondence between themselves and De Lorentz¹⁵⁶, requesting that instructions be given to the Superintendent

150. Report of Market Master, 4 March 1846: 3/CT 1/1/5/21, App. No. 183. The secretary informed the commissioners that the Superintendent of Police had given the necessary orders on the subject: 3/CT 1/1/1/10 (MC), p.61, 4 March 1846.

151. Municipality to De Lorentz, 7 March 1842: 3/CT 3/1/1/1 (LB), p.374.

152. W.F. Bergh to Municipality, 6 August 1844: 3/CT 1/1/5/15, App. No. 676.

153. Report of Inspector King, 13 August 1844: 3/CT 1/1/5/15, App. No. 694a.

154. Municipality to De Lorentz, 19 August 1844: 3/CT 3/1/1/2 (LB), p.418.

155. See above, Chapter II, pp.63-65.

156. Municipality to Montagu, 13 May 1844: 3/CT 3/1/1/2 (LB), p.372.

of Police to fulfil the duties imposed on him by the 1841 'Abstract of Nuisances', which required police intervention¹⁵⁷. The colonial government, it appears, did not deign to reply¹⁵⁸, observing a stony silence until November, when Montagu began to harass the municipality over the question of its contribution to the expenses of the police force. The sympathies of the colonial government clearly lay with De Lorentz. In 1842, Governor Napier had informed Lord Stanley that since the inception of the new police establishment, 'the most marked improvement has been observed not only in the efficiency but also in the respectability of the Police force'¹⁵⁹. When the Attorney General, William Porter, was consulted about the refusal of the municipality to employ scavengers, he admitted to Montagu that 'we should not have passed the Municipal Regulations as they stand'¹⁶⁰. The hand of the government was tied by the very regulations it had approved, but it could retaliate by aiming at the Achilles heel of the municipality - the town treasury¹⁶¹.

Relations with the police, meanwhile, remained equivocal. De Lorentz expressed a willingness to co-operate in matters which he regarded as the legitimate responsibility of the police. But differences continued to exist between him and the municipality as to the extent of this responsibility. On one point the municipality appears to have quietly yielded: street cleaning was now conducted, not by convicts in the employ of the police, but by a contractor hired by the municipality. However, the police were still upbraided for failing to abate nuisances. In April 1845, the contractor for cleaning streets, Mr van Reenen, complained

157. See above, pp.98-99.

158. No reply to the above letter (footnote 156) appears to be recorded either in the minutes of the commissioners or the despatches of the colonial office.

159. Napier to Stanley, 4 August 1842: GH 23/14 (Vol.I) pp.145-146. Despatch 149.

160. Porter to Montagu, 14 September 1843: AG 2616, p.234.

161. In 1847 the government amended the market system, crippling the municipality's financial resources. See below, Chapter V.

that when he had pointed out to a constable 'Several Heaps of Rubbish which had been illegally deposited in the public streets', he had been reproached by Inspector King for interfering with police officers on duty¹⁶². Proof that his constables attended to offences against municipal regulations, reported the Inspector, was seen in the fact that the number of nuisances reported by them had risen from four in April 1844, to 38 in 1845¹⁶³. De Lorentz again insisted that his police officers could not be held entirely responsible for the abatement of nuisances. The wardmasters, he contended, should also assist the police by providing 'such information as will lead to the prosecution' of offenders¹⁶⁴. In former years, under the Burgher Senate, noted De Lorentz, he had received 'every possible aid from the Wardmasters, who frequently were instrumental in enabling me to pursue and apprehend persons charged with serious crimes'¹⁶⁵. When this letter was forwarded to the wardmasters for consideration, they referred to an earlier resolution proposing that indictments against the police should be addressed directly to the Secretary to Government, 'in consequence of the unsatisfactory issue [i.e. result] of the correspondence' between the municipality and the police¹⁶⁶. It was simply a case of 'passing the buck', and it reflected badly on the wardmasters. The apathy which had set in after 1841, despite an initial display of zeal¹⁶⁷, seemed, once again, to afflict the wardmasters. In January 1846, the Cape Town Mail observed that the 'very small number' of wardmasters in attendance at recent meetings showed 'a lamentable want

162. 3/CT 1/1/1/9 (MC), p.67, 30 April 1845.

163. Report of Inspector King, 5 May 1845: 3/CT 1/1/5/18, App. No. 405. The contractor had reportedly also told the constable to 'look after' certain 'Smuggling and Lodging houses' in Harrington Street.

164. De Lorentz to Municipality, 19 September 1845: 3/CT 1/1/5/20, App. No. 839.

165. De Lorentz to Municipality, 11 October 1845: 3/CT 1/1/5/20, App. No. 881.

166. 3/CT 1/2/1/2 (MW), pp.131-132 and 160, 17 February and 20 October 1845.

167. See above, p. 80.

of interest on the part of a large majority of the Board, in affairs which they have been elected to manage'¹⁶⁸.

In July 1841, the Municipality of Cape Town signalled its intention to tax crown property when the commissioners instructed the secretary to issue notices to the different government departments of the valuation that had been fixed upon their immovable property¹⁶⁹. At the same time, water supplies to the colonial government came under review when a report on the matter recommended that the government should be charged with a water rate on the 'same principle as the Inhabitants of the Town who have private waterleadings'¹⁷⁰. A second report urged the reduction of water supplies to the Civil and Military departments to combat the great waste of water resulting from an 'unlimited' supply. Thousands of gallons could be diverted to the Town Prison, Shambles and Fish Market, resulting in a great saving to the municipality, and 'a further extension of grants of private water leadings'¹⁷¹. Once minor amendments were made to the grants of water fixed by this report, it was adopted¹⁷², and the government was informed of the municipality's intention to limit its water supplies and to charge it a water rate¹⁷³.

Not content with cutting back its water supplies, the commissioners next claimed from the colonial government all dues which had been collected through the Port Office

168. CTM, 31 January 1846.

169. 3/CT 1/1/1/3 (MC), p.825.

170. Ibid., App. No. 647. Report of Committee appointed by the commissioners. In September 1841, this rate was set at £1 17/6 per 100 gallons 'led upon the premises' of inhabitants, under the provisions of revised regulations which enabled the municipality to levy both a house rate and a water rate: 3/CT 1/2/1/1 (MW), 6 September 1842; 'Regulations with reference to Municipal Rates ...', Section 1, in Almanac, 1843, p.89.

171. 3/CT 1/1/5/3, App. No. 662. It was estimated that the water saved could supply 165 houses with private water leadings and produce an annual income of £247.

172. 3/CT 1/1/1/3 (MC), p.842, 4 August 1841.

173. Municipality to Moore-Craig, 6 August 1841: 3/CT 3/1/1/1 (LB), p.188.

for the supply of water to ships calling at Table Bay, since the water had been furnished at the expense of the municipality¹⁷⁴. At this point the government began to dig in its heels. The Acting Secretary to Government, J. Moore-Craig, replied that because the dues on water for shipping were collected as other port dues, they could not be deducted from the general revenue of the colony¹⁷⁵. His next letter warned the commissioners that the Governor seriously doubted whether the municipality was sanctioned either by 'positive law' or by 'general practice' to levy a rate on water supplied to the public departments¹⁷⁶. In questioning the legality of the commissioners' action, the Governor echoed the opinion of the Attorney General¹⁷⁷. The matter was then referred to the wardmasters, who backed the commissioners by resolving that 'all parties including the Military and Civil Departments' should pay the water rate¹⁷⁸.

The conflict with the colonial government over the water rate now escalated into a major confrontation. The focus moved to the question of the municipality's right to levy a rate on the immovable property belonging to the colonial government. Moore-Craig notified the commissioners that if they insisted on charging such a rate, the Governor would have to consult the Legislative Council¹⁷⁹. He also forwarded the opinion of the Attorney General. Porter

174. Municipality to Moore-Craig, 11 August 1841: Ibid., p.197.
175. Moore-Craig to Municipality, 17 August 1841: 3/CT 1/1/5/3, App. No. 689. The commissioners promptly proposed to suggest to the government that it should pay the same water rate on supplies to shipping as paid by the inhabitants of Cape Town: 3/CT 1/1/1/3 (MC), pp.907-910 (18 August 1841).
176. Moore-Craig to Municipality, 7 September 1841: 3/CT 1/1/5/3, App. No. 765.
177. Porter to Moore-Craig, 2 September 1841: AG 2616, pp.33-35. Porter did not see how the Governor could assent to a demand 'which in its present shape is perculiarly objectionable because wholly undefined'.
178. 3/CT 1/2/1/1 (MW), 4 October 1841. The resolution was passed with 30 votes for and 6 against.
179. Moore-Craig to Municipality, 24 September 1841: 3/CT 1/1/5/3, App. No. 815.

agreed that the letter of the municipal regulations did not make any exceptions with the respect to the liability of immovable property to be valued and taxed. All the other municipalities in the colony, however, had 'expressly exempted' government property. Royal Prerogative, he warned, might interpose 'an insuperable bar' to the power of any municipality acting under a local ordinance to tax crown property¹⁸⁰. Undeterred, the wardmasters passed a resolution exempting 'places of divine Worship, of public education and charitable institutions' in Cape Town from municipal rates, but not buildings belonging to the colonial government¹⁸¹. A week later the commissioners, with a small majority, adopted a similar resolution which specifically stated that 'all other public buildings shall be rated in the same manner as private property'¹⁸².

Meanwhile, the quarrel over the water rate continued. The commissioners claimed that they were justified by both positive law and established practice in imposing this rate on the colonial government. Ordinance No. 1 of 1840, they argued, fully acknowledged 'the principle of every inhabitant contributing towards defraying the expense of the Water Work establishment', including individuals employed in Her Majesty's military and civil services¹⁸³. In a further letter on the subject, the commissioners stated that entries recording a rate laid on waterleadings in government buildings were found in all the assessment rolls of the Burgher Senate from 1822 to 1827. Whether or not actual payment for the rate had been made could not be ascertained because of the 'deficient state' of the Burgher Senate's books¹⁸⁴. Nevertheless, the municipality had clearly demonstrated that there was an established precedent to its action.

180. Porter to Moore-Craig, 22 September 1841: Ibid., App. No. 816; also AG 2616, pp.38-40.

181. 3/CT 1/2/1/1 (MW), 7 October, 1841.

182. 3/CT 1/1/1/3 (MC), pp.1132-1134 13 October 1841 The resolution was adopted with 4 votes for and 3 against.

183. Municipality to Moore-Craig, 22 October 1841: 3/CT 3/1/1/1 (LB), pp.264-267.

184. Municipality to Moore-Craig, 15 November 1841: Ibid., pp.295-296.

On this occasion the colonial government was not prepared to bow down, as it had on the questions of the market due on wool and of the use of the police to abate nuisances. On 26 March 1842, the Legislative Council passed an ordinance (No. 4 of 1842) which declared that all immovable property belonging to the colonial government and situated within any municipality was exempted from municipal taxation. The second section of the ordinance authorised the governor to approve the payment 'of all such reasonable rates connected with the supply of water' to certain government buildings¹⁸⁵. The bill, however had been forced through by the casting vote of the Governor, since all five of the unofficial members had voted against it¹⁸⁶. The municipality, too, had petitioned against it because, they objected, it infringed 'the rights conceded to the Inhabitants of Cape Town by Her Most Gracious Majesty'¹⁸⁷. It was proof, declared the Zuid-Afrikaan, that the establishment of municipal boards was 'unpalatable to the taste of our rulers' who were attempting to encroach upon their 'rights and privileges'¹⁸⁸. The unofficial members of the Legislative Council, with the exception of J.B. Ebden, noted their reasons of dissent. Unlike the Municipality of Cape Town, they did not believe that Royal Prerogative surrendered to any municipal board the right to tax crown property, but they still opposed the measure because it vested the Governor and Executive Council with the 'uncontrolled power' of fixing water rates on supplies to public property. It was also unnecessary because the issue could have been settled by 'friendly and amicable adjustment'¹⁸⁹. This might have been possible, for a compromise had already been reached whereby the government agreed to pay a water rate on certain buildings, but no such rate

185. CCP 6/3/1/3 (Ordinances), Ord. No. 4 of 1842.

186. LCA2, p.287.

187. 3/CT 1/1/1/5 (MC), pp.101-102. The petition from the commissioners and wardmasters was presented to the Legislative Council on 21 March 1842: LCA 2, p.285.

188. ZA, 18 March 1842.

189. LCA2, pp.289-290. Dissent of M. van Breda, H. Ross, H. Cloete (Hs) and [Advocate] H. Cloete (Ls).

would be levied on the Pauper Establishment, Somerset Hospital, the police office, town prison and House of Correction, because of the 'local advantages arising from these institutions'¹⁹⁰. The question of the proposed municipal rate on government property, however, had been left unresolved.

In a lengthy speech in the Legislative Council on 21 March, 1842, William Porter defended the bill to free government property from municipal taxation¹⁹¹. In England, he explained, all royal property was exempted from all municipal taxation. Furthermore, police were paid for out of the town treasuries, and boroughs in England maintained the expenses of their own gaols. By contrast, the Municipality of Cape Town was greatly indebted to the colonial government which, for example, had agreed to divide equally the expenditure of the police. The wording of the municipal ordinance, Porter admitted, was 'very general', but there were obvious limitations - it would be 'cruel' to tax churches and charities, and 'absurd' to tax the Town House. Other public buildings which the commissioners were seeking to tax (Porter had in mind the police office, town prison and the hospitals), he argued, were 'of such immediate and peculiar benefit' to the inhabitants, and 'so dove-tailed into the Municipality', that there should be no thought of subjecting them to a 'further tribute'.

Porter was, as usual, persuasive, but he attempted to play down the tension which the dispute had engendered. It was true that the three unofficial members of the Legislative Council who were also municipal commissioners, Van Breda, Ross and Advocate Cloete, had conceded (in their reasons for dissent) that the municipality had no right to tax government property. In the debate on the bill, Ross had also stressed that agreement had been reached on the

190. Moore-Craig to Municipality, 12 January 1841: 3/CT 1/1/5/5, App. No. 43.

191. Porter Speeches, pp.38-51. The following section is derived from this account.

water rate. Only Michiel van Breda and J.B. Ebdon continued to insist that the bill was an infringement of municipal privilege¹⁹². However, other commissioners remained opposed to making any concession to the colonial government on either the water rate or the property rate - most notably H.C. Jarvis, J.A.H. Wicht and Advocate Brand¹⁹³. Porter was also in error in claiming that a majority of the wardmasters had resolved 'to exempt public property from the Municipal rate'¹⁹⁴. Their position had been made amply clear when a motion to exempt 'buildings belonging to the Colonial Government' had been defeated by five votes (for) to 22 (against)¹⁹⁵. It was more than a legal dispute respecting the authority of the municipality in relation to the power of Executive Government. Ultimately, it was an issue related to municipal revenue. As Porter himself declared, the question was 'whether a certain given sum shall be taken out of the public purse of the colony at large, and put into the private purse of the Municipality of Cape Town, in order to be expended in ornamenting or improving the town ...'; he also admitted that 'the commissioners should not have their finances crippled'¹⁹⁶. Behind the attempt to apply a property tax as well as a water rate to the colonial government lay the need to augment municipal revenue, so that the pressure of taxation on the householders could be lightened. Even the accusations that the public departments were 'wasting' water were inseparably linked to a fiscal argument. If this water were 'saved' it could be used to supply other parts of the town, thereby cutting expenditure. Conversely, more grants of private waterleadings could be made and more

192. CTM, 26 March 1842.

193. 3/CT 1/1/1/3 (MC), pp.1127-1134.

194. Porter Speeches, p.46.

195. See above, p.110 and footnote 181. The wardmasters had also signed the petition against the bill.

196. Porter Speeches, p.39.

income could be assured to the town treasury¹⁹⁷.

The commissioners also hoped to swell municipal funds by taxing residents in Green Point. The same regulation as the Municipality of Cape Town used to impose a water rate on the colonial government was extended to Green Point. Both Ordinance No. 1 of 1840 and Ordinance No. 4 of 1839, argued the Commissioners, stipulated that the inhabitants of Green Point were to be supplied with water on 'the same terms, at the same rates and under the same regulations' as the residents of Cape Town¹⁹⁸. But the government intervened and amended the regulations imposing the municipal rates, so that their operation was limited to Cape Town only. The Secretary of Government informed the Town House that 'to avoid determining the difficult question as to whether or not the Commissioners of one particular Municipality can legally assess or make rules to affect ... immovable property ... actually within the limits of another', the Governor had restricted the application of the regulations to Cape Town. It was left to the commissioners, if they wished, to pursue the matter of law¹⁹⁹. Both the commissioners and wardmasters yielded and adopted the amended regulations²⁰⁰. But regulations with the colonial government soon took another turn with the repeal of Ordinance No. 4 of 1842.

On 23 March 1843, following the instructions of the Secretary of State, a bill to repeal Ordinance No. 4 of 1842 was laid before the Legislative Council²⁰¹. Stanley had requested Napier to repeal the ordinance because the general principle of the measure was 'objectionable'. The

197. See above, p.108 and footnote 171. Hamilton Ross criticised, in the Legislative Council, the Ordinance Department for wasting water and for wanting to have 'as much water as they please without paying for it': CTM, 26 March, 1842.

198. Municipality to Moore-Craig, 25 July 1842: 3/CT 3/1/1/1 (LB), pp.484-487.

199. Moore-Craig to Municipality, 5 August 1842: 3/CT 1/1/5/7, App. No. 784.

200. 3/CT 1/1/1/5 (MC), pp.299-300 and p.318.

201. LCA 2, p.348.

government, he warned, 'may lose more by improper contribution than it can save by improper exemption'²⁰². Stanley also implicitly acknowledged that the immovable property of the government could be liable to municipal taxation, noting that the very building in which he wrote paid all parochial and civil rates, and the Poor Rates²⁰³. The bill was passed as Ordinance No. 3 of 1843 and the newly-arrived Secretary to Government, John Montagu, introduced certain resolutions calling for the mutual revision of the respective liabilities of the colonial government and the Municipality of Cape Town²⁰⁴.

As a consequence of Montagu's resolutions, a committee of the Legislative Council met a deputation of the commissioners to attempt to resolve the protracted dispute over rates²⁰⁵. The colonial government agreed not to charge the municipality for more than one half of the expense of the Cape Town Police. In return, government buildings would be exempted from any municipal rate and would be supplied free of charge with a fixed amount of water, but any further supply would be paid for²⁰⁶.

Both Porter and Napier were surprised that 'in the good humour of their triumph over the Executive'²⁰⁷, the

202. Stanley to Napier, 18 October, 1842: GH 1/150, pp.119-129. Despatch 164.
203. Ibid., pp.125-126. Porter, however, disagreed and cited legal authority to show that in England no building occupied by a servant of the crown was rateable, unless it afforded 'beneficial occupation' (such as personal accommodation - as in the case of the official residence of the Secretary of State). But he had yielded to Stanley's ruling on the ground that it was the law of the colony, and not of the 'Mother Country', which was being determined: Porter to Montagu, 22 April 1844: AG 2617, pp.100-119.
204. LCA 2, pp.367-371, 30 May 1843.
205. Montagu, Porter, Ross and Hendrik Cloete (Hs) were appointed to represent the Legislative Council, and Jarvis, Brand, Watermeyer and Watson to represent the municipality: LCA 2, pp.371-373; 3/CT 1/1/1/6 (MC), p.295.
206. 3/CT 1/1/1/6 (MC), pp.297-299, 9 and 10 June 1843. Report of H.C. Jarvis, unanimously approved by the commissioners.
207. AG 2617, p.110 (see footnote 203 above).

municipality had granted more than the government had ever expected - Ordinance No. 4 of 1842 had, after all, conceded the right of the municipality to be recompensed for supplying water to the colonial government²⁰⁸. But neither should really have been surprised by the municipality's willingness to surrender its claims to tax the colonial government. The alternative would have been far more costly and burdensome. Stanley had suggested that the government should acquiesce in the assessment of all its public property within the municipal district, but that it should in future 'retrench the pecuniary aid to be given to the Municipality'²⁰⁹. In other words, the commissioners would probably have found themselves saddled with the responsibility of the police office, the town prison, the House of Correction and the Pauper Establishment! Once again the commissioners seemed to have followed the logic of economy.

For Porter there were other disturbing consequences. He rather regretted the 'triumph' of the municipality because, he stated, 'every check which Her Majesty's Government feels it necessary to give to the Executive here, seriously diminishes its efficiency, and tends very much to weaken what is, at best, but weak'²¹⁰ - further proof of Porter's support of executive authority²¹¹. In the meantime, the commissioners had gone ahead with plans to 'save' water. A new reservoir was built in Caledon Square to distribute water to the Fish Market and other places where it was needed to clean gutters. Water from this source would

208. Napier to Stanley, 26 June 1843: GH 23/14 (Vol. 2), pp.435-437. Despatch informing Stanley of passing of Ord. 3 of 1843. Napier had expected that discussions with the commissioners would have raised questions of a 'vexatious and irritating nature'. The municipality, he contended, believed that the colonial government had profited at the expense of the town administration after the abolition of the Burgher Senate, when the local revenue had been 'blended with the general revenue of the colony'.

209. See footnote 202 above.

210. AG 2617, p.110.

211. See above, Introduction, p.17.

be used, with the approval of government²¹², in cleaning the town prison, in order to save drinking water from the main spring in the Gardens²¹³. With the disputes concerning market regulations, the police force, the water rate and municipal taxation of government property settled for the while, the commissioners and wardmasters could continue to give their attention to town affairs.

212. Moore-Craig to Municipality, 21 October 1842: 3/CT 1/1/5/8, App. No. 1005.

213. Municipality to Moore-Craig, 19 October 1842: 3/CT 3/1/1/2 (LB), p.56.

CHAPTER IVTOWN AFFAIRS IN THE 1840s

Apart from devoting their attention to the disputes over the municipal regulations, the commissioners of the Cape Town Municipality were largely occupied with routine business: requests for private water leadings and public fountains, applications to alter buildings and to erect bridges, complaints about the filthy state of some of the streets, reports of nuisances and returns of the produce passing through the market. At the same time, more general problems confronted the commissioners and the wardmasters.

One such problem concerned relations between the municipality and Cape Town's mercantile élite. Despite the presence of several prominent merchants on the Board of Commissioners during the early 1840s¹, these relations were at times uneasy, as the disputes over the market regulations reveals². Amongst the élite merchants who held office as municipal commissioners, only Hamilton Ross appears to have been genuinely public-spirited, lending support to the promotion of civil welfare and, on occasions, defending the municipality against criticism in the Legislative Council³. His views on many local issues seldom represented those of the mercantile élite; in terms of the response of this class he was more the exception than the rule.

An early sign of the divergence in interests between the municipality and the mercantile élite was evident in the abortive attempt to found the 'Cape of Good Hope Chamber of Commerce' in 1841. At a meeting of members of the Commercial Exchange on 22 May, it was proposed to establish

1. See above, Chapter II, p.74.
2. See above, Chapter III, pp.90-92.
3. See above, Chapter III, p.79.

an association based on 'liberal principles' to advance 'the resources of the colony'. It would aim to 'remove all obstacles' relating to trade, commercial custom, and the monetary system, and would be open to 'everyone connected with the general trade and commerce of the Colony'⁴. Hamilton Ross, in supporting the scheme, argued that the existing Committee of the Commercial Exchange did not adequately represent 'the interests of commerce', because the system of voting was based, not upon membership, but upon share-holding in the Exchange building. As a result, the five majority shareholders were able to return 'whatever committee' they desired, despite there being 77 members in all. The move to establish the new Chamber of Commerce was thus an attempt to end the élitism which had characterised the Commercial Exchange. At a subsequent meeting of the proposed association it was agreed that 'no proprietor in the Buildings shall have any right of voting'⁵.

Judging from the proceedings of the founding meeting on 22 May 1841, the scheme to establish a Chamber of Commerce had the full and enthusiastic backing of three leading commissioners, H.C. Jarvis, Benjamin Norden and J.H. Vanreenen, and one of the more outspoken wardmasters, G. Twycross⁶. Opposition to the scheme came from élite merchants such as G.W. Prince, R.W. Eaton and J.B. Ebden, who denied that the 'mercantile' interests of the colony had not been represented. Eaton reminded the meeting of the Exchange's close correspondence with the Cape Trade Society in London, which had given 'unremitting and vigilant attention' to colonial interests⁷. In the end, the project was still-born, for at a meeting in December it was resolved that 'all proceedings hitherto taken for converting the associated members of the Commercial Exchange

4. CTM, 29 May 1841. The following section is based on this account.

5. Immelman, Men of Good Hope, p.176.

6. CTM, 29 May 1841.

7. Ibid. It is interesting to note the differences in language between the two groups. The former refer to the interests of commerce; the latter prefer to speak of mercantile interests.



Cape Archives Elliott P. 109

TABLE BAY, NEAR AMSTERDAM BATTERY

Source: Cape Archives, Elliott Collection

into a Chamber of Commerce, shall be withdrawn and that the former institution shall be continued ...'⁸. What R.F.M. Immelman has described as 'a struggle going on in the Exchange between the older members ... and the newer ones'⁹ was, more accurately, a wider conflict between Cape Town's mercantile élite and the rising commercial class closely linked to the municipality. Yet this thesis should not be over-emphasised: four men representative of the mercantile élite, Hamilton Ross, Maximilian Thalwitzer, C.S. Pillans and T.B. Venn (the agent for Lloyds), had been amongst the supporters of the new Chamber of Commerce at its founding meeting. Class divisions were by no means clear-cut. For the moment, however, the challenge from the commercial men allied to the Cape Town Municipality was checked by the defensive action of the élite merchants who had always dominated the Commercial Exchange. A second challenge in 1850, as has been seen, also ended in failure¹⁰.

Another matter which related to the interests of the mercantile élite was the application for a grant of land along 'Rogge Bay' for constructing a stone pier and slipway¹¹. Commissioner W.G. Anderson, co-partner with James Murison in a major shipping company, stressed the advantages that the proposed quay would bring as a commodious and sheltered landing place¹². One of the main criticisms of the project was echoed by the Zuid-Afrikaan, which feared that the livelihood of the fishermen would be impaired because, if the beach were to be blocked up, they would be prevented from hauling their fishing boats ashore¹³. In the end the commissioners, with Anderson in opposition, adopted the report of a municipal committee, which rejected the scheme in case it should obstruct the new fish market

8. Immelman, Men of Good Hope, p.177. Proposed by W. Gadney and seconded by J.B. Ebdén.
9. Ibid. The theory of a generational conflict has very recently been restated by Prof. R. Ross. See Conclusion.
10. See above, Chapter I, p. 50.
11. 3/CT 1/1/5/3, App. No. 682.
12. 3/CT 1/1/5/3, App. No. 787. Report to the commissioners. He argued that it would protect fishing boats from the destructive effects of heavy surf and the South-Easter.
13. ZA, 8 October 1841.

which was planned for Rogge Bay¹⁴. Underlying the matter lay the rivalry between the mercantile élite and the rising commercial class. A letter to the Cape Town Mail had urged the municipality not to grant to any 'private company' the 'exclusive right of building alone [sic] and using the enormous extent of shore' applied for. The sponsors of the scheme, implied the author, would readily assist in improving Table Bay 'as a place of resort for vessels in the India trade', but 'any project for the benefit of the Colony merely, would be treated with contempt'¹⁵. It thus appears that the commissioners had acted to prevent a monopoly on harbour improvements from being exercised by the large merchant houses which backed the stone pier project.

Yet on certain issues the mercantile élite and the commercial class shared common ground. This is evident from the response of a number of municipal commissioners, acting in their private rather than their official capacity. When the wine export trade suffered a fresh blow in 1845, with the threefold increase in the duty on French brandy¹⁶, eight men who served as municipal commissioners in the 1840s joined with a number of élite merchants to petition against the measure¹⁷. Since 'Cape Spirits' were 'not suited for admixture with Wines for exportation', the wine merchants and exporters depended on imported French brandy and other foreign spirits for this purpose. The imposition of the duty was 'unjust in principle and injurious in practice', they argued, and inconsistent with various enactments of the Legislative Council, which expressly

14. 3/CT 1/1/1/3 (MC), pp.1135-1137, 13 October 1841. See below, p. 126
15. CTM, 2 October 1841. Letter to Editor from 'A Householder'.
16. Under the provisions of an Order-in-Council dated 26 April 1845, the duty was raised from four pence to one shilling per gallon: ZA, 2 December 1845.
17. Ibid. The commissioners were H.C. Jarvis, J.H. Vos, F.H. Kunhardt, F.S. Berning, H. Sherman, C.L. Herman, J. Letterstedt and M. Thalwitzer, and the merchants included J.B. Ebden, Thomson, Watson & Co., Phillips & King, A. Chiappini & Co., Venning, Busk & Co., W. Dickson & Co., J. Searight & Co. and Home, Eagar & Co.

afforded 'protection and support' to the Cape wine trade¹⁸. However, the measure was welcomed by the Zuid-Afrikaan, since it would protect the interests of the Cape 'wine growers', whose production of Cape spirits would be saved from the 'death blow' that it had almost suffered as a result of the importation of foreign spirits¹⁹. A local wine farmer also blamed the wine merchants and the 'iron and punjums store gentlemen' (i.e. the wholesalers amongst whom the élite merchants predominated²⁰) for the 'bad reputation' of Cape wines, singling out as 'head' of the wine merchants H.C. Jarvis, who had 'a great interest in the importation of French brandy'²¹.

The sympathies of the colonial government, however, lay with the wine farmers. The Controller of Customs, W. Field, rejected the viewpoint of the wine merchants as being self-interested, believing that they exaggerated the losses that were anticipated with the imposition of the increased duty²². By contrast, the British government was more understanding of the plight of the wine merchants, and instructed the Cape administration to find some compromise formula. Eventually, on 27 November 1847, the Legislative Council accepted proposals in terms of which a uniform duty of 2% per gallon was imposed on foreign spirits imported for internal consumption, but which exempted from taxation certain quantities of spirits to be used for admixture with wines destined for export. The campaign to protect the wine export trade, spearheaded by J.B. Ebdon and H.C. Jarvis, had at least paid some dividends.

18. Ibid. Memorial of merchants engaged in the Cape wine trade, 20 September 1845. The Legislative Council exempted casks, hoops, etc. from any import duty and allowed a 'differential rate of duty' to be imposed on French brandy.
19. ZA, 28 November 1845. See also ZA, 30 December 1845.
20. R.W. Murray noted that the merchants in mid-century Cape Town 'did not go outside the wholesale business; they did business in the lump [sic] and made money in like manner ...': Reminiscences, p.190.
21. ZA, 29 January 1846. Letter to Editor from I.J. de Villiers, a wine farmer.
22. The following section is based on D.J. van Zyl, Kaapse Wyn en Brandewyn, 1795-1860, (Cape Town, 1976), pp.205-207.

Another issue against which the commercial class and the mercantile élite of Cape Town joined ranks in protest was the draft ordinance for regulating the sale of wines and liquors, introduced into the Legislative Council on 24 April 1846²³. It was based on a report which had recommended that anyone dealing, either by wholesale or retail, in spirits, wine or beer should obtain an annual licence (at the cost of £20), and that all retailers, including innkeepers and shopkeepers with 'taps' on their premises, should be permitted to sell alcohol after one o'clock on Sundays²⁴. A number of élite merchants and commercial men expressed their opposition to the measure in a memorial signed by 457 people²⁵. Their prime concern appeared to be the disruption of social order that might ensue from the sale of alcohol on Sundays, which, they reasoned, would 'seduce domestic servants into habits of idleness, desertion, vicious indulgence, and debauchery'²⁶. Apart from their desire to see the labouring classes kept under restraint, the memorialists also insisted that all trading on Sundays 'should be limited to articles of necessary food and for refreshment merely'²⁷. The implication was that the retailers in wine and spirits should not be given the unfair advantage of being able to trade on Sundays while the wholesalers and exporters were closed for business.

Universal opposition to the sale of alcohol on Sundays also came, quite naturally, from the clergy of Cape Town, who argued, for instance, that it would tend 'to lower the sacredness of the Lord's day' and to afford additional facilities for the 'lower classes' to indulge in 'habits

23. LCA 3, p.82.

24. Report of Licences Committee, 1 April, 1846: CTM, 4 April 1846.

25. This observation is based on an analysis of the signatures to the memorial of 'Merchants, Shipowners, Agents and other Inhabitants of Cape Town': LCA 18, item 28.

26. CTM, 19 September 1846, containing the published version of the memorial.

27. Ibid.

of intemperance'²⁸. As it was, 'clandestine dealing' in alcohol and other goods already took place on the Sabbath²⁹. In view of the numerous petitions against the bill, the Governor, Sir Peregrine Maitland, withheld his assent³⁰. Once the offending section allowing the sale of liquors on Sundays was scrapped³¹, the measure was finally passed³².

Cape Town's commercial class again rallied with the mercantile élite to protest against another measure which threatened to impede the smooth flow of business. On 19 November 1847, a draft ordinance 'for improving the Administration of Justice in the Inferior Courts ...' was presented to the Legislative Council³³. This bill proposed to extend the jurisdiction of the Courts of Resident Magistrates in all civil cases 'within the districts for which the said magistrates shall be respectively appointed, wherein the sum or matter in dispute shall not exceed the amount of thirty pounds sterling', as well as in certain criminal cases³⁴. Fourteen commercial men who were also municipal commissioners in the mid-century period, including the chairmen of the South African and Union Banks and the Board of Executors³⁵, joined a number of élite merchants³⁶ in

28. Memorial of the Scottish Church, Cape Town, 1 September 1846: CTM, 9 September 1846.
29. Ibid. Memorial of the Ministers of the Trinity Church, Cape Town.
30. LCA 3, p.116. Minute of Legislative Council meeting, 3 October 1846.
31. LCA 18, item 48. Amended draft ordinance, approved by the Judges of the Supreme Court.
32. It was passed on 5 October 1846: LCA 3, p.119.
33. LCA 3, p.258.
34. Draft ordinance, clause 2: LCA 20, item 65.
35. They were P.M. Brink (South African Bank), H.C. Jarvis (Union Bank), J.C. Gie (Board of Executors), and A. Brink, J.A. Bam, H. Sherman, L.P. Cauvin, E.G. Landsberg, J.H. Wicht, F.H. Kunhardt, J.J.L. Smuts, R.H. Arderne and O.M. Bergh. Aaron and De Pass, who were closely linked to the commercial class, were also signatories: LCA 20, item 71.
36. Ibid. The élite merchants included J.B. Ebden, G.W. Prince, A. Chiappini & Co., Borradaile, Thompson and Pillans, George Greig & Co., Phillips & King and W. Dickson & Co.

petitioning against the bill. The 'rights and interests' of merchants, 'capitalists' and bankers, they submitted, would be impaired by the proposed changes to the legal system, which they feared would 'greatly diminish if not put an end altogether to many transactions which at present take place in consequence of the security which is afforded ... under the present system'³⁷.

The views of these petitioners were supported by a second memorial against the inferior courts bill from the attorneys of Cape Town. Under the existing system, argued the attorneys, civil suits relating to unpaid debts were settled 'in a manner which is final and Conclusive and in all probability less expensive', whereas with the proposed changes 'a door would be opened for endless litigation by Appeals ... to the Supreme Court'³⁸. Furthermore, the merchants and capitalists of the colony might, through the operation of the bill, be 'deprived of a remedy against an Unprincipled debtor' who could, for instance, escape the execution of sentence against him by moving to another district³⁹. Fundamentally, the merchants, bankers, 'capitalists' and traders of both the commercial class and the mercantile élite feared any alteration to the legal system which would make it more difficult or costly to recover debts, or leave them with financial loss. Backed by the legal fraternity, they presented a united front against the proposed ordinance, which was withdrawn, on the advice of the Legislative Council on 8 January 1848⁴⁰.

Meanwhile one of the main concerns of the municipal commissioners appears to have been the promotion of local commerce. The establishment of a new fish market was one

37. Ibid. Petition of 'Bankers, Landholders, Capitalists, Merchants, Trades and Others, Inhabitants of Cape Town', presented to the Legislative Council on 21 December 1847.

38. Petition of attorneys practising before the Supreme Court, presented to the Legislative Council on 21 December 1847: LCA 20, item 73.

39. Ibid.

40. LCA 3, p.294.

of the first steps taken by the commissioners to develop the resources of the town, spurred on, perhaps, by the urging of the Cape Town Mail that the municipality should tackle tasks of greater magnitude than 'the sweeping of streets, the murdering of dogs and the draining of ditches',⁴¹. A memorial had been received requesting the allocation of land on which to erect a market for the sale of fish, vegetables and 'other articles of domestic use',⁴². It was signed by a number of local businessmen, retailers, wine merchants and shopkeepers - some of whom served as municipal commissioners during the 1840s⁴³. The commissioners promptly consented, setting aside an allotment in Rogge Bay for this purpose and instructing labourers employed by the municipality to level the ground⁴⁴. Memorials from local shipwrights, applying for grants of wasteland in the vicinity of the north jetty (near the Amsterdam Battery), also received approval⁴⁵. Similarly, grants of land in the same area were awarded to J.H. Lezar, the proprietor of a fishing company which employed 200 persons of the 'poorer class' and cured fish for export⁴⁶. A municipal committee praised Lezar who 'by his activity, industry [and] perseverance originally established ... a valuable branch of colonial export', while the Cape Town Mail singled him out as the type of man to whom 'we owe much of our commercial advancement',⁴⁷.

Although the commissioners enthusiastically supported the development of local commerce and industry, they were paradoxically cautious about a project which promised undoubted advantages to Cape Town - the formation of the

41. CTM, 7 August 1841.

42. Inhabitants of Cape Town to Municipality, 7 June 1841: 3/CT 1/1/5/3, App. No. 543 (152 signatures).

43. This observation is drawn from an analysis of the occupations of the signatories, based on the 1842 Almanac.

44. 3/CT 1/1/1/3 (MC), p.683, 16 June 1841.

45. 3/CT, 1/1/5/7, App. No. 915.

46. ZA, 5 July 1842. Lesar was also a wardmaster in the early 1840s.

47. 3/CT 1/1/5/12, App. No. 942, 5 December 1843; CTM, 11 May 1844.

Gas Lighting Company. In August, 1843, Harrison Watson (a director of the long-established shipping and mercantile house, Thompson, Watson & Co.) wrote to inform the commissioners of plans to fund a company 'for lighting Cape Town with Gas'⁴⁸. In response, the commissioners adopted a report which recognised the scheme as being 'of great public utility', but advised the municipality not to subscribe to shares in the Gas Company, nor to pledge itself as to the extent of street lights that would be required⁴⁹. This hesitancy annoyed the wardmasters, who resolved that the commissioners should enter into a contract with the Gas Company, when founded, for the supply of 'at least One Hundred Burners'⁵⁰. Wardmaster Robertson argued that since the night police force was ineffective, street lighting would do much 'to secure both public and private property from depredation'⁵¹.

The commissioners, however, refused to alter their position⁵². They were content to grant the new company a plot of land in the 'Waterfront' area⁵³, despite objections from proprietors of the neighbourhood that the gasworks would create a nuisance and an 'injury' to the value of their properties⁵⁴. But the commissioners would not initially invest municipal funds in the Gas Company, nor enter into a specific contract for the supply of lighting. It seems likely that this was because the proposition to establish the company was 'received from London'⁵⁵ and that the prospectus of the company, too, noted that once one-half of the shares were subscribed, the contracts for the construction of the gas-

48. H. Watson to Municipality, 8 August 1843: 3/CT 1/1/5/11, App. No. 613.

49. 3/CT 1/1/5/11, App. No. 613a.

50. 3/CT 1/2/1/2 (MW), pp.68-69, 12 February 1844.

51. CTM, 17 February 1844.

52. 3/CT 1/1/1/7 (MC), p.224, 21 February 1844.

53. 3/CT 11/1/2, item 144. Hire agreement, 1 May 1845. The plot was located in Prestwich and Zee Streets.

54. 3/CT 1/1/1/8 (MC), p.183, 13 November 1844. Testimony of G.N. Mechau.

55. See footnote 48 above.

works would be entered into, 'as the residue of the shares, if not taken in the colony, will be held in England'⁵⁶. The commercial men on the municipality would almost certainly not wish to invest in a company semi-dependent upon metropolitan capital and sponsored by one of the leading representatives of the mercantile élite, Harrison Watson. However, the company ultimately evolved into an essentially local concern, under the chairmanship of Baron von Ludwig until his death in 1847, when he was replaced by William Porter; some of the municipal commissioners, indeed, were shareholders in the company⁵⁷. On 6 October 1845, the foundation stone of the gasworks was laid by John Montagu (deputising for Governor Maitland who was indisposed), amidst elaborate ceremonies organised by the Freemason lodges. The Zuid-Afrikaan praised the new company for striving towards the public good, 'unaided by what is called the monied interests of the Colony'⁵⁸.

In promoting the development of local trade, the commissioners came into conflict not only with the mercantile élite, but also with another vocal, self-interested group - the butchers of Cape Town. In the mid-century there were no 'professional' butchers, but rather 'well-to-do men in first class society' who managed 'large establishments', employing others 'as servants' to do the slaughtering and who made a fortune out of supplying the military⁵⁹. The meat trade seems to have been dominated by several Afrikaner families, notably the van Reenens, the Brinks and the Mullers⁶⁰. In November 1841, the butchers who rented the Shambles appealed to the commissioners to prohibit any person from establishing, to the detriment of their

56. ZA, 26 January 1844.

57. Ibid. The 'provisional directors' included P.M. Brink, F.S. Watermayer, J.A.H. Wicht and J.H. Vanreenen, all of whom were commissioners during the 1840s.

58. ZA, 17 October 1845.

59. 'Memoirs of E.G. Landsberg', pp.33-34 and p.36.

60. Conclusion drawn from a compilation of the names appearing on the leases for the Shambles: 3/CT 11/1/1 - 11/1/2, Municipal Contract Books.

trade, a slaughter-house elsewhere in the town⁶¹. Permission was regularly granted to other inhabitants to slaughter on their own premises⁶², and the commissioners had no intention of bowing to pressure from the Shambles. The other slaughtering places, they replied, conformed strictly to the same municipal regulations as did the Shambles, and this they considered 'quite sufficient' for the 'due protection' of the butchers⁶³.

Behind this conflict lay the issue of a meat monopoly. A correspondent to the Zuid-Afrikaan objected to 'the present monopoly at the Shambles', which obliged farmers to sell their stock to 'one butcher' at the price he determined. When a 'good Samaritan' had opened a shop in Dorp Street, buying a sheep at more favourable rates and reducing the price of meat, the butchers retaliated by placing a shop 'directly opposite' and tried through their 'united power, to sacrifice him and cut him up'. All should unite, the correspondent concluded, in pulling down 'this unnatural combination against the Agricultural, Mercantile, Civil and Municipal Interests of the Colony'⁶⁴. In accordance with their commercial outlook, the commissioners refused to tolerate a butchers' monopoly, in the same way as they had sought to end the 'forestalling' of market produce by the large merchant houses⁶⁵. Instead, they appeared to favour healthy competition, which would mean cheaper meat for the public and better prices for the farmers.

From its inception, the Municipality of Cape Town was vigorously involved in the political affairs of the colony. In choosing to voice political opinion it appeared to resuscitate in part the role of the former Burgher Senate, which had acted more broadly as a 'quasi- representative

61. G.N. Mechau and others to Municipality, 24 November 1841: 3/CT 1/1/5/4, App. No. 1038.

62. For example, 3/CT 11/1/2 (Contract Book), contracts 45, 47 and 48.

63. Municipality to Mechau and others, 24 December 1841: 3/CT 3/1/1/1 (LB), p.324.

64. ZA, 11 January 1842. Letter to Editor from 'Indiana'.

65. See above, Chapter III, p. 92.

body of colonists'⁶⁶. It was the municipality which took the lead in pressing for a Representative Legislative Assembly. On 23 July 1841, the commissioners and wardmasters met jointly to petition the Queen for the 'boon' of representative government. The meeting was attended by a 'considerable concourse' of householders⁶⁷ and the 'former opposition between Dutch and English inhabitants at meetings of this kind' vanished as all parties 'united as one man to promote their common welfare'⁶⁸.

Opinions expressed at the meeting focused on three main themes: the inadequacy of the existing political institutions, the failure of the administration to develop the resources of the colony and the readiness of the colonists for self-government⁶⁹. Advocate Henry Cloete found the Legislative Council (of which he was an unofficial member) to be 'utterly defective' and 'altogether impotent as regards the public welfare' because of its limited powers. Benjamin Norden, while praising the municipality for its successful management of the town market, attacked the Legislative Council for failing to reduce expenditure and to deal with the problems of the frontier. The unofficial members of the council, he believed, were 'leagued together' against the inhabitants of the colony. Hamilton Ross protested that 'millions of taxes' had been paid by the colonists over the years, without there being 'a single penny to lay out on any colonial improvement'. Wardmaster Canstatt objected to the pensions paid out by the colonial government while roads to the interior were desperately needed to bring agricultural produce to the market. Finally, a petition was drafted, embodying the main resolutions of the meeting⁷⁰. The establishment of a Representative

66. A.K. Fryer, 'The government at the Cape of Good Hope, 1825-54' in AYB 1964, Vol.I, pp.7 and 10.

67. CTM, 7 August 1841.

68. CTM, 31 July 1841. Letter to the Editor from 'A Householder'.

69. The following section is based on the verbatim account in CTM, 7 August 1841.

70. 3/CT 1/2/1/1, 23 July 1841 (no page numbers).

Legislative Assembly, it was argued, would be 'highly beneficial for the Welfare and prosperity' of the Colony. 'No man who had paid attention to the working of the Municipalities', concluded the petition, 'but must allow that the Colony is fully fitted and ready' for self-government. The implication was that the men who served as municipal commissioners would be best suited to manage colonial affairs in a future Cape parliament. Through such an institution, too, they could realise their central ambition - to promote the local resources of the Cape colony. Referring to the paucity of colonial improvements before 1841, Hamilton Ross had concluded, 'if we had a Legislative Assembly things would not be in this state'⁷¹.

A month later, on 24 August 1841, a public meeting of inhabitants of Cape Town was held in the Commercial Hall for the same purpose - to petition the Home Government for a Representative Assembly⁷². The main speakers at the meeting included a few spokesmen from the municipal camp, Advocate Henry Cloete, F.S. Watermeyer and Captain J.H. Vanreenen. But most were representatives of the mercantile élite, H. Watson, J.B. Ebden, G.W. Prince, Hamilton Ross and his partner, John Stein. Discussions reflected the principal arguments brought forward at the earlier meeting of commissioners and wardmasters: the present system of government, dominated by Downing Street, did not satisfy the wants of the colonists or allow them a fair share in decision-making; while the bulk of the colonial revenue was absorbed by salaries, pensions and the expenses of the government departments, little remained for local improvements.

Beneath these shared concerns, differences in interest between the mercantile élite and the rising commercial class could also be detected. G.W. Prince stressed the favourable geographical position of the Cape at the centre

71. See footnote 69 above.

72. 'Report of the Proceedings ...' (Cape Town: Cape Town Mail, 1841). The following section is based on this account.

of world trade routes, while at the same time calling for the exploitation of its 'natural riches' such as wheat and wool. Owing to such natural advantages, he maintained, 'no colony offers a better field for the employment of British capital and labor [sic]'. By making known to the people of England the potential of the colony 'we may raise powerful friends to help us to emerge from our present neglected position'⁷³. Similarly, John Stein argued that 'the circumstance of there being hardly one individual resident in England, deriving an income from the colony, except a few merchants who were fully occupied with their own affairs, was much against us'⁷⁴. Both Prince and Stein clearly believed that the key to the development of the Cape colony was an infusion of metropolitan capital.

By contrast, Advocate Cloete implied that the solution lay in the better management of local revenue. 'A Representative system', he argued, 'would be likely to develop [sic] its commercial and agricultural resources and tend more efficiently to appropriate the revenue to the improvement of our public works and roads'⁷⁵. This observation summed up precisely the foremost goals of the new commercial class aligned to the Cape Town Municipality. It found support from another speaker, F.S. Watermeyer. Having analysed the Estimate of Colonial Expenditure for 1841, he found that a mere four to five per cent of the revenue had been allocated for improvements. It was in vain, Watermeyer concluded, 'to expect that this Colony can ever see its resources properly developed for its own benefit' under the existing political system. However, a 'popular Assembly', he believed, 'must and would' furnish the means for such development⁷⁶. Through representative

73. Ibid., pp.17-20. Prince reserved special praise for those settlers in the Eastern province who had established the flourishing wool industry (in which many of the mercantile houses had an interest).

74. Ibid., p.20.

75. Ibid., p.15.

76. Ibid., pp.24-25.

government, thus, the rising commercial class hoped to gain not only political control, but also the means to develop local resources, by using colonial revenue.

At the conclusion of the meeting a petition to the Queen in Council was drawn up. The memorialists observed that 'in numbers, wealth and intelligence they consider this community fully prepared to take their place in the ranks of free countries'⁷⁷. In transmitting this memorial and the resolutions passed at the meeting of 24 August, together with the petition of the Municipality of Cape Town, Sir George Napier argued in favour of the establishment of representative government⁷⁸. It would teach the colonists, he believed, 'to think and act for themselves'. Although the working of the municipal boards, he admitted, 'at first was anything but cheering', the benefits which had resulted from allowing the colonists to manage their local affairs proved that the 'higher boon' for which they prayed 'might be conceded to them without disadvantage'⁷⁹.

Secretary of State, Lord Stanley, in a lengthy reply, accepted the 'abstract questions of government' advanced by Napier in his recommendation of the pleas for a representative system. But he found various 'physical and moral' obstacles to the implementation of fuller political participation by the colonists. There was the problem of where to locate the seat of the Legislature: if it were based in Cape Town it would tend to 'consult for [sic] the interests rather of the capital than of the Colony at large'. Society at the Cape was composed of elements which were 'heterogeneous, dissimilar and separated from each other by distinctions almost indelible'. Stanley was concerned, in particular, that the dominant white 'caste' would rule at the expense of the other 'less powerful classes'. Apart from other practical problems such as

77. Ibid., p.31.

78. Napier to Stanley, 20 December 1841: P.P. 1846, xxix (400), pp.1-2.

79. Ibid.

the vastness of the colony, there was the issue of the qualification for the franchise. A higher proprietary qualification would exclude most non-whites; a low qualification would bestow on them a measure of authority which 'those who derive their birth or descent from Europe would regard with the utmost apprehension'⁸⁰. These were vital questions which would feature in the future debate over representative government. Although Napier was invited by Stanley to 'obviate the objections' which the Secretary of State had indicated⁸¹, the matter lay dormant until 1846, when Earl Grey requested Sir Henry Pottinger to examine these questions⁸². A new Whig Ministry had come to power under Lord John Russell (Prime Minister from 1846 to 1852) and was favourably disposed towards granting representative government to the Cape colony.

In 1842 a second political issue prompted the Cape Town Municipality to take the initiative in voicing the disapproval of the colonists. A scheme to send 50 juvenile convicts from the Parkhurst penitentiary to Robben Island came under discussion in the Legislative Council on 25 May 1842. It was envisaged that the offenders, on completion of their sentences, would be apprenticed in the colony as farm servants to meet the 'want of labour'⁸³.

Hamilton Ross and William Porter immediately announced their opposition to the scheme. Porter feared that the convicts, who 'though young in years are old in crime', would have a detrimental influence on the 'comparatively harmless' criminals, former apprentices and 'liberated Africans' of the colony⁸⁴. On 27 June, Hamilton Ross made an unusual appearance at a meeting of wardmasters to alert them to the convict scheme⁸⁵. Once again, concern

80. Stanley to Napier, 15 April 1842: P.P. 1846, xxix (400), pp.4-7.

81. *Ibid.*, p.7.

82. Fryer, 'The government at the Cape', pp.11-12.

83. *CTM*, 25 June 1842. The scheme had originally been mooted by Capt. J.H. Vanreenen.

84. Porter, *Speeches*, p.105.

85. *CTM*, 2 July 1842. The following section is based on this account.

was expressed about the 'contaminating' influence of the juvenile offenders. Ross warned that 'they will unteach the blacks everything that your schoolmasters are now teaching them'. Underlying this general fear about possible social disruption lay a more particular concern about the safety of property. It was well known, observed Wardmaster Hurly, that 'the cleverest locksmiths are insufficient to protect property from being plundered' by these delinquents. If they were brought to the colony, it would be necessary to have watchmen sitting inside the 'large stores in this town' to protect them against 'depredation'. Moral objections were thus used to defend material interests.

On 30 June 1842, a joint meeting of the commissioners and wardmasters decided that the proposed convict scheme was 'fraught with the greatest danger and detrimental to the moral and religious State of the Community', because it would in effect make the Cape a 'Convict Colony'⁸⁶. It was agreed to petition the Queen, praying to be spared such an 'injury'. The same sentiments were contained in a resolution put forward at a public meeting at the Commercial Exchange on 4 July, attended by a 'large and respectable body' of inhabitants⁸⁷. Indeed, both the chairman of the meeting, J.B. Ebdon, and the main speaker, William Porter, applauded the Municipality of Cape Town for its response. Porter, in his lengthy address⁸⁸, again warned of the danger of apprenticing the young convicts in the towns. With the fears of the merchants and shopkeepers of Cape Town in mind, he reasoned that additional opportunities would be presented 'for the commission of the very sort of crimes to which the convicts would be most habituated'. Should the juveniles be sent to the rural districts remote from official control, they would suffer, he implied, under oppressive, sjambok-wielding masters.

86. 3/CT 1/2/1/1, 30 June 1842 (no page numbers).

87. CTM, 14 July 1842. The following section is based on this account.

88. Porter, Speeches, pp.107-119.

At the conclusion of the meeting a petition, identical to the one from the municipality, was addressed to the Queen. The Cape colony, it stated, had never been a convict station, and the introduction of juvenile delinquents would be 'dangerous and fatal to the morals, industry, civil obedience and very existence of the native population ...'⁸⁹. Apprehension that the juvenile criminals would undermine social order and subvert the labouring classes, however exaggerated, was a critical matter of concern for the dominant white classes.

Opposition to the scheme was widespread: petitions against it were also sent in by the municipalities of Paarl, Stellenbosch and Beaufort, Ministers of the Gospel and the Agricultural Society of Swellendam⁹⁰. Sir George Napier, accurately anticipating the mood of the colonists, also advised against the scheme. The 'labouring population,' he argued, 'have not, as yet, acquired that degree of moral restraint to preserve them from the effects of contamination.' Napier discussed at length both the practical problems that would be entailed, and the drawbacks experienced in an earlier project in which juvenile immigrants had been apprenticed under the aegis of the Children's Friend Society⁹¹. Agitation against the introduction of convicts to the Cape, on this occasion, was successful. The British Government yielded and renounced its intention to send out the juvenile offenders⁹².

The dust had barely settled on the issue of the juvenile

89. Memorial of the Inhabitants of the Cape of Good Hope (no date): GH 28/19, pp.922-926. It was signed by several élite merchants and a number of municipal commissioners and wardmasters.

90. GH 23/14, Enclosures to despatches 154, 158 and 164, dated 15 and 27 August and 7 September 1842.

91. Napier to Stanley, 2 July 1842: GH 23/14 (Vol.I), pp.112-119. The Children's Friend Society had failed in its object to 'improve the condition' of destitute children. Instead, 'it was intended primarily to rid England of unwanted population while simultaneously providing Cape employers with a satisfactory substitute for the servile, unskilled labour supply which they were shortly to lose ...' with the emancipation of slaves: E. Bradlow, 'The Children's Friend Society at the Cape of Good Hope', in Victorian Studies, Vol.27, No.2 (1984), p.165.

92. Stanley to Napier, 14 November 1842: GH 1/151, Despatch 173.

convicts when another matter aroused popular disapproval in Cape Town. On 5 November, 1842, the Attorney-General, William Porter, introduced into the Legislative Council a bill outlining a scheme to construct a hard road over the Cape Flats. This issue has been virtually ignored by previous researchers⁹³, but it throws much light on the tensions within Cape Town society at the time. Porter proposed to impose a rate on all fixed property in the Cape and Stellenbosch Districts valued at over £100, to meet the costs of construction⁹⁴. It was a well-intentioned measure but it was ill-timed, for there was a slump in the property market. A few years prior to 1842, observed John Stein at a public meeting held to consider the bill, 'houses were springing up like mushrooms in every direction'⁹⁵. By December 1843, however, a decline in the export wine trade had produced 'a Super abundance [sic] of empty or unemployed Stores in Cape Town' and 'numerous insolvencies and failures, which have thrown a vast amount of Fixed Property in the market for sale, with no corresponding demand'⁹⁶. One consequence was that many 'registered proprietors' (i.e. nominal owners) had mortgaged their property 'to the extent of two-thirds or three-fourths of its value'⁹⁷.

The Cape Town Municipality took the lead in voicing criticism against the bill. It welcomed the construction of a hard road because this would promote local commerce by opening communication with the remoter parts of the country, thereby 'increasing the quantity of exportable produce'. But it was 'inexpedient and oppressive to tax

93. J.J. Breitenbach in his study on Montagu merely records that owing to the many petitions against the bill, it was withdrawn: AYB 1959, II, pp.231-232.

94. LCA 13, item 20.

95. CTM, 10 December 1842. (The meeting was held at the Commercial Exchange on 3 December 1842.)

96. LCA 13, item 38, Memorial of Nominal Owners of Immoveable Property.

97. CTM, 10 December 1842. Testimony of a prominent wine merchant, Thomas Sutherland, who was closely involved in municipal affairs.

the Landed Proprietors exclusively' - all 'occupiers or tenants' should also be made to contribute towards the road tax. The interest in property development that characterised the landlord class which formed a key group amongst the commissioners, was illuminated by the suggestion that the colonial government should raise funds by making free grants of land on the sides of the proposed road 'to be publicly sold as building lots'⁹⁸.

Similar opposition to the bill was contained in a memorial from the 'Landed proprietors' of Cape Town, numerously signed by men who served as municipal commissioners in the 1840s and 1850s, many of them landlords. This petition, which proposed that the road rate should be paid by the occupiers of fixed property, 'whether proprietors or tenants'⁹⁹, represented the cause of the rising commercial class linked to the municipality. While this class hoped to enjoy the likely benefits of the proposed road, such as increased trade at the town market, it was determined not to fall victim to 'exclusive taxation'; its intention was clearly to pass on part of the burden to the tenant.

This intention is well confirmed by another petition against the bill from the 'inhabitants of hire houses in Cape Town', signed with many crosses, the marks of the illiterate memorialists. These tenants strongly opposed the hard road scheme because the 'owners of the landed property', they contended, would 'charge their lessees with such amount as the houses are taxed, so that the greater part of the Taxes shall be paid by us'. It would be an intolerable burden for them: 'Many of us are hard working for our daily bread ... [but] as we are in want of houses, as of food, we cannot escape the payment of a higher rate of rent, and shall be compelled to suffer

98. LCA 13, item 31. Copy of municipal resolutions transmitted to the Legislative Council.

99. LCA 13, item 33. The signatures were closely analysed and the names of 17 municipal commissioners from the mid-century period could be identified.

with our wives and families',¹⁰⁰. For many impoverished tenants existence was harsh: hard work, poor wages, inadequate food and housing and extortionate landlords. R.W. Murray records that 'some of the homes of the lower classes of the coloured poor were pictures of wretchedness and misery, ghastliness and unhealthiness',¹⁰¹.

The landlords, however, appear to have remained impervious to such suffering. There was little doubt that if the hard road bill were passed, the occupiers and tenants would face the added burden of the road tax. A local broker had revealed that, in a lease agreement that he had recently been requested to frame, 'it was expressly stipulated that the rent ... should include all municipal rates and taxes already existing, but that any road or other tax which be hereafter imposed should be borne by the tenant',¹⁰².

A third petition against Porter's hard road bill came from the 'owners or Nominal Owners of Immovable Property',¹⁰³. Its signatures, on analysis¹⁰⁴, reveal it to contain predominantly the view of the 'petty bourgeois' class - grocers, tobacconists, innkeepers, auctioneers, artisans and craftsmen - from which the majority of the municipal wardmasters originated. Indeed, the signatories included a fair number of wardmasters, as well as a few wine merchants - probably those hard hit by the declining wine trade. The memorialists stressed that much of the fixed property in Cape Town was mortgaged so that 'the Persons in whose name it is registered, are in fact, only Tenants, or mere nominal Proprietors of the Ground and Buildings'. They opposed the measure because in terms of the bill (rather than actual practice) occupiers were 'totally

100. LCA 13, item 36.

101. Murray, Reminiscences, p.224.

102. CTM, 10 December 1842.

103. LCA 13, item 38.

104. The legible signatures and accompanying addresses were compared with the 1842 Almanac.

exempted from any Tax'. Yet 'the Unfortunate nominal Proprietor of [any] House or Store, who pays his Rent in the shape of Interest to the Mortgagee, will be burdened with the whole of the Tax, although he may in reality have only the smallest fraction of interest in the fixed Property'. This, of course, meant that all the 'Mortgagees and real capitalists' would be exempted too. Fundamentally, these memorialists were mere nominal landed proprietors, who feared that they were at the mercy of the real owners - the mortgagees who profited from the interest paid out on mortgage bonds. They believed that an additional tax would create apprehension amongst the mortgagees 'in respect to their securities'; by 'calling up any portion of the Capital invested therein', the mortgagees would 'increase the distress' of the nominal owners already adversely affected by the prevailing economic recession.

The landlords of Cape Town featured prominently amongst the mortgagees, who made a lucrative business out of financing mortgages on household property. One quarter of the estate of the arch landlord, J.A.H. Wicht, for example, was made up of bonds, mortgages and debentures, worth over £30 000 (in 1867)¹⁰⁵. As has been seen, a number of men from the rising commercial class invested sizeable amounts of capital in this way¹⁰⁶.

The only petition that was unconditionally in favour of the 1842 hard road bill was signed largely by the principal merchants of Cape Town who made up the mercantile élite¹⁰⁷. They welcomed the scheme because it would promote prosperity and increase the value of fixed property. Though others had suggested that the road should be funded out of the general revenue of the colony or by a general income tax¹⁰⁸,

105. MOOC 13/1/233 (11).

106. See above, Chapter II, p.

107. LCA 13, item 32. Its signatories included prominent figures such as George Greig, C.S. Pillans, G.W. Prince, W.G. Anderson, Harrison Watson, the Chiappini brothers, H.E. Rutherford, Phillips, King & Co., Isaac Chase and John Stein.

108. See Footnotes 95 and 96 above.

the mercantile élite had no objection to an assessment levied on immovable property. This was no doubt due to the greater wealth and financial stability of this class as compared to the rising commercial class, amongst whose members the incidence of insolvency was much higher¹⁰⁹. Although Porter was surprised at the strong opposition to a scheme which he believed would 'stimulate more industry, disengage more capital, and create more wealth ... ', he agreed to withdraw his bill and to devise a new one which would make 'concessions' to public opinion¹¹⁰. But one argument that he forcibly rejected was that the 'occupiers ought to pay'. Rather than allow 'mere monthly tenants' and 'persons who have no fixed interest' to be taxed, Porter preferred to see 'the whole bill torn into ten thousand fritters'¹¹¹.

The reaction to the 1842 hard road bill thus revealed that Cape Town society was split down the middle: on the one side the actual proprietors, including the mercantile élite and the rising commercial class (amongst which the landlords featured); on the other, the tenants of hire houses and the nominal proprietors of mortgaged property (actually tenants in disguise), embracing the 'petty bourgeois' and poorer classes. In 1844 a correspondent to the Cape Town Mail pointed out that not only did the commissioners of the municipality belong to the 'numerous, influential and [self] interested class [of] landlords', but also that 64 of the wardmasters - the 'celebrated number required to draw the strings of the municipal purse' - were 'landed proprietors'¹¹². However, this view appears to be only half accurate. The evidence suggests that many of the wardmasters cannot truly be considered as 'landed proprietors', but, belonging as they did to the 'petty bourgeois' class, were only nominal proprietors.

109. See above, Chapter II, p. 61.

110. Porter, Speeches, p. 172.

111. Ibid., pp. 152-154.

112. CTM, 27 July 1844. Letter to Editor from 'NOTUS'.



JOHN MONTAGU, THE SECRETARY TO GOVERNMENT

Source: Cape Archives, M 481

In the early 1840s this division of Cape Town society was mirrored in the differing interests of the commissioners and wardmasters. The commissioners promoted the interests of the proprietors; the wardmasters defended the interests of the tenants or occupiers. In July 1844, for example, the commissioners resolved that the municipal rates should be recovered from the occupiers of immovable property¹¹³. The wardmasters strongly protested against this proposal which, they argued, was 'calculated to benefit a Minority of Proprietors to the detriment of the Majority ...'¹¹⁴. The dispute was settled by seeking the opinion of the Attorney General, who advised that as no notice had been served on the occupiers, the commissioners could not recover the rates from them¹¹⁵.

It was not Porter, but the newly arrived Secretary to Government, John Montagu, who devised a new bill 'for improving the public Roads of the Colony'. Passed on 22 November 1843, it provided for the establishment of a Central Road Board, responsible for the organisation of convict labour on the roads and the appointment of surveyors, engineers and clerks. This board was financed by annual grants of the Legislative Council, but it was empowered to impose, if necessary, a rate on all immovable property valued at £50 or upwards¹¹⁶. The nominal proprietors of Cape Town once again protested against the 'unjust' assessment on 'landed property exclusively', proposing instead a 'personal assessment' which would 'bear equally upon all classes of the community who are able to pay'¹¹⁷. The memorial was scathingly dismissed by Montagu as the work of 'some selfish householders' and 'a few cabbage growers' who feared that a hard road to

113. 3/CT 1/1/1/8, pp.32-33.

114. 3/CT 1/2/1/2, pp.95-96.

115. 3/CT 1/1/5/15, App. No. 643.

116. Breitenbach, 'Montagu', p.236.

117. ICA 14, item 53. Presented to the Legislative Council on 20 November 1843.

Stellenbosch would 'injure their vegetable monopoly',¹¹⁸. Yet it had been signed by 278 people, including a number of wardmasters¹¹⁹.

However, the new scheme was enthusiastically welcomed in a second memorial¹²⁰. In presenting it in the Legislative Council, J.B. Ebdon claimed that it came from 'some of the largest landed proprietors' in the colony¹²¹. The signatories comprised a number of élite merchants and quite a few representatives of the commercial class, including the two editors who acted as the political spokesmen of this class, John Fairbairn of the South African Commercial Advertiser and William Buchanan of the Cape Town Mail. Both classes favoured any measure which would promote trade in the colony, but for the commercial class allied to the municipality, in particular, Montagu's scheme offered two distinct advantages. Firstly, it would be financed mainly by the colonial treasury, thereby minimising the burden of the rate to be levied on fixed property. Secondly, new roads, it was hoped, would cause land and property values to rise. Benjamin Norden, described as a 'landowner in six Districts [of Cape Town]', expressed the view that 'every ten pounds he would have to pay under the provisions of the bill would put £50 into his pocket by [sic] the improvement of his property',¹²². Such a prospect must have been very tempting to the proprietors of Cape Town.

The tension existing in Cape Town society between proprietors and occupiers had a profound impact on the relations between the commissioners and the wardmasters. It accounted for their differences over issues such as the municipal rate and the market due on wine and brandy¹²³,

118. CTM, 25 November 1843.

119. The names of nearly 20 wardmasters could be identified amongst the signatures.

120. LCA 14, item 54.

121. CTM, 25 November 1843.

122. CTM, 18 November 1843.

123. See above, Chapter III, pp.93-94.

and continued to impede relations between the two boards throughout the early 1840s. Much of the conflict between the commissioners and the wardmasters revolved around issues related to town improvement. In the early years of the municipality's existence, the wardmasters, when voting on the annual estimates of expenditure, routinely reduced the amounts proposed by the commissioners for improvements to streets, bridges and canals¹²⁴. At the same time, the wardmasters kept the municipal rate on fixed property as low as possible - in 1842 it was a mere one-farthing in the pound¹²⁵. Such conduct led to accusations that the wardmasters were possessed of a 'despicable spirit of parsimony' whose symptoms included 'a starting at the mere mention of proposed improvements [and] a horror at the idea of paying for them'¹²⁶. Another critic of the wardmasters noted that their parsimony prevented 'many useful and important public works from being carried out'¹²⁷.

The wardmasters' devotion to economy, however, was easily understandable in view of the prevailing recession¹²⁸. In addition to having to pay the municipal rate, the householders of Cape Town faced the prospect of paying the hard road rate imposed by Montagu's 1843 ordinance¹²⁹. By limiting municipal expenditure, the wardmasters intended to minimise the burden of taxation on the householders, in particular the nominal proprietors and the hard-pressed tenants¹³⁰. This policy was openly admitted at a meeting of the wardmasters in February 1844. Wardmaster Stigant drew attention to the 'depressed state of trade' and to those 'landowners' who were 'oppressed with heavy rates

124. For example, 3/CT 1/2/1/1 (MW), 23 February 1841 and 4 February 1842 (no page numbers).

125. ZA, 8 February 1842.

126. CTM, 25 February 1843. Letter to Editor from 'CIVIS'.

127. CTM, 4 March 1843. Letter to Editor from 'J.M.' of Grahamstown.

128. See above, p. 137.

129. ZA, 20 February 1844.

130. See above, pp. 138-140.

and taxes, which they are already unable to pay'. It was the duty of the wardmasters, he concluded, 'to oppose any additional burden from being imposed on the inhabitants'¹³¹.

The Zuid-Afrikaan backed the wardmasters, urging them to consider the situation of 'those who cannot pay'¹³², but it came under attack. The Cape Town Mail denounced its 'fruitless exertions to please a certain class of householders by keeping the range of municipal improvement within the circumference of an OORTJIE [i.e. a farthing]'¹³³. A correspondent to the same newspaper attributed the 'oortjie policy' to 'short-sighted, narrow-minded advocates of inaction' who opposed 'every plan of municipal improvement that does not include the building up of their own garden walls or the watering of their own cabbages'¹³⁴. This allusion to the market gardeners of Cape Town echoed the remarks made by Montagu when he derided those inhabitants (including a number of wardmasters) who had petitioned against the 'unjust' tax proposed in his hard road bill¹³⁵. If these householders had won the sympathy of the wardmasters, it was because there was another aspect to the issue of municipal improvement - the question of which areas of the town were to receive priority.

A major source of grievance for the wardmasters was the priority given by the commissioners to the centre of the town, while the peripheral areas tended to be ignored. At their meeting in February 1844, for example, the wardmasters discussed the possibility of lighting the town with gas. One wardmaster anticipated that most of the lamps would be installed in the Heerengracht, 'where we spend all our money'. Another noted that objections to

131. CTM, 17 February 1844. P.J. Stigant served as a commissioner in the 1860s.

132. ZA, 20 February 1844.

133. CTM, 27 April 1844.

134. CTM, 11 May 1844. Letter to Editor from 'NOTUS'.

135. See above, pp.142-143.

the gas lighting scheme lay with 'parties living in the outside of the town, not being benefitted [sic] equally with those residing in the central wards'¹³⁶. Similarly, the wardmasters refused to allow the expenditure of funds exclusively on additional repairs to the Heerengracht canal, so that the money could instead be 'simultaneously employed for the gradual improvements in various parts of the Municipality'¹³⁷. The 'parsimony' of the wardmasters, thus, cannot be seen as an obstinate refusal to sponsor any municipal improvement, for their restrictions on expenditure were at times applied selectively, in an attempt to force the commissioners to give attention to the more neglected areas of the town.

There is much evidence to substantiate the view that while attention was lavished on the central wards, the poorer quarters and more peripheral districts of the town were disregarded. Residents in the vicinity of upper Long Street (the 'Lion's Rump' area) complained of the 'neglected and dangerous state' of the canal¹³⁸. 'While so much money and labour is expended on the Heerengracht', protested certain inhabitants of the emerging Malay Quarter, 'not a single farthing has been laid out for Rose Street or any street above that'¹³⁹. The overcrowded 'steegs' running off Strand Street remained 'a receptacle of Filth and ordure'¹⁴⁰. Rubbish accumulated in the streets of District 12 (the 'Constitution Hill' area) because the town carts failed to make their rounds¹⁴¹, while the householders complained that they were 'deprived' of the 'benefit' of drinking water, 'there being only one fountain nearby', opposite the residence of the commissioner for

136. CTM, 17 February 1844. The second speaker, James Cameron (who was later elected a commissioner), suggested that those residing in the outer wards could use 'portable gas holders'!

137. ZA, 12 December 1844.

138. 3/CT 1/1/5/4, App. No. 948 (1841).

139. 3/CT 1/1/5/6, App. No. 576 (1842).

140. 3/CT 1/1/5/12, App. No. 756 (1843).

141. 3/CT 1/1/5/4, App. No. 1045 (1841).

the district, Maximilian Thalwitzer¹⁴². The residents of Rose Street too were annoyed when the only water pump was moved to the residence of Adam Carstens (later a municipal commissioner), causing much inconvenience to the 'poorer class of people living in the neighbourhood who employ their little children to carry water for them'¹⁴³. Indeed, throughout the mid-century period the commissioners perennially received complaints about the neglect of streets in various parts of the town¹⁴⁴. Such neglect could have tragic consequences as in the case of the drunken man who stumbled one night into the Capel Ditch and drowned. The accident could have been avoided had a protecting wall been constructed¹⁴⁵. The 'deficient state' of the municipal fountains, too, meant that water failed to reach in time a fire that had broken out in the town in December 1849¹⁴⁶.

The commissioners, on the other hand, gave priority to the central districts of the town - the 'Market Square' and 'Caledon Square' areas. The main roads bounding the commercial heart of the town - the Heerengracht, Keisergracht and Buitengracht, Wale, Strand, Buitenkant and (lower) Long Streets - were the first to be repaired¹⁴⁷. Of the funds expended in 1841 and 1842 on 'public works', over one-third were devoted to the town centre (Districts Three, Five, Nine and Ten)¹⁴⁸. Preferential attention was also given to District One, the fashionable residential

142. 3/CT 1/1/5/12, App. No. 1206 (1842).

143. 3/CT 1/1/5/12, App. No. 916 (1843).

144. For example, 3/CT 1/1/5/32, App. No. 791; 1/1/5/32, App. No. 957; 1/1/5/35, App. No. 311; and 1/1/5/38, App. No. 966.

145. 3/CT 1/1/5/36, App. No. 524. Report of Town Surveyor, 19 June 1849. The Capel Ditch was a polluted canal which ran from the Gardens towards the Castle, parallel to Harrington Street.

146. 3/CT 1/1/1/12 (MC), p.538, 12 December 1849.

147. 3/CT 1/1/1/6 (MC), p.248, 19 April 1843.

148. 3/CT 1/1/5/13, App. No. 7. Of a total of £6 178 spent on public works, £2 083 (34%) was allocated to the central districts.

area surrounding Somerset Road, and to the rapidly expanding District 12, where most of the property was owned by the emergent class of landlords¹⁴⁹. The central streets were also the first to benefit from advances made in paving in 1849; Strand Street was 'macadamised' and Shortmarket Street laid with a modern style of stone paving¹⁵⁰ that Jacob Letterstedt had admired in Stockholm and had recommended to the commissioners¹⁵¹. Municipal improvement thus appears to have been designed by the commissioners largely to suit the interests of the propertied and commercial classes of Cape Town from whose ranks they originated. On occasions the display of self-interest was blatant. In January 1849, for example, the commissioners adopted a report which proposed not only to open up a street through the Gardens property of J.M. Maynard, then serving as a commissioner, but also to compensate Maynard by granting him 'an equivalent in waste ground' for the land given up for the new street¹⁵².

The extent to which the wardmasters could effectively oppose the commissioners over plans relating to town improvements, however, was limited, for the commissioners possessed the means to impose their will, if necessary. This was notably demonstrated in the dispute over repairs to the Heerengracht canal. In November 1844, Harrison Watson (then holding office as a municipal commissioner) presented a report which proposed to expend a surplus of £150 on arching over a portion of the canal, which had already been paved. When the wardmasters initially declined to approve this scheme, the commissioners called a special meeting of the wardmasters, who then acquiesced¹⁵³. A certain group of

149. Ibid. £1 191 (19%) was spent on District One and £1 372 (22%) on District 12.

150. Report of Committee of Public Works, 12 May 1849: 3/CT 1/1/5/36, App. No. 426.

151. Letterstedt to Municipality, 28 February 1849: 3/CT 1/1/5/34, App. No. 198. Letterstedt personally assisted in experiments with the new stone paving.

152. 3/CT 1/1/1/12 (MC), p.295, 31 January 1849. Report in 3/CT 1/1/5/34, App. No. 98. The proposed street ran off Roeland Street.

153. ZA, 12 December 1844. See above, p.146.

wardmasters, however, refused to be bullied, and at their next meeting proposed that the expenditure on the canal be disallowed. The meeting aroused such 'intense interest' amongst the 'formerly dormant mass of Cape Society' that 'it was not necessary to send sedans for the municipal functionaries',¹⁵⁴. The apathy that had begun to paralyse the Board of Wardmasters¹⁵⁵ gave way to 'animated discussion' and the proposal to rescind the approval of the canal repairs was narrowly defeated, 22 'Conservatives' voting for it and 24 'Liberals' against¹⁵⁶. With the legality of the proceedings of the special meeting thus affirmed, the commissioners had won, having successfully bulldozed the wardmasters into compliance.

After 1844, conflict between the commissioners and wardmasters appears largely to have subsided. This might have been due, in part, to the poor attendance at the meetings of the wardmasters, which left them, rather often, without the necessary quorum to vote on expenditure¹⁵⁷. This problem had given rise to confrontation between the two boards in 1843. At a meeting on 1 May, the wardmasters drew attention to the 'impossibility' of getting together the necessary two-thirds of their number to consider the annual estimates, and resolved to confer with the commissioners to devise a solution¹⁵⁸. This resolution was rejected by the commissioners on the grounds that the wardmasters' meeting had not been 'legally constituted', i.e. officially convened by the commissioners¹⁵⁹. At their next meeting on 22 May, this time legal¹⁶⁰, the

154. CTM, 21 December 1844. Report on wardmasters' meeting of 16 December.

155. See above, Chapter III, p.80.

156. CTM, 21 December 1844.

157. See above, Chapter III, pp.80-81.

158. 3/CT 1/2/2/1 (Draft minutes of wardmasters), 1 May 1843 (no page numbers).

159. 3/CT 1/1/1/6 (MC), p.259, 3 May 1843.

160. The commissioners had been obliged to approve a requisition signed by 15 wardmasters asking them to call a meeting of the Board of Wardmasters: 3/CT 1/1/1/6 (MC), p.270, 10 May 1843.

wardmasters recorded their 'deep regret' at the manner in which the commissioners had responded to their grievances¹⁶¹. Furthermore, they noted that the low attendance at the wardmasters' meetings, 'owing to Deaths, Insolvencies, Removals and other Causes', placed the 'Municipal Purse' at the 'uncontrolled disposal of the Commissioners'. Accordingly, they unanimously resolved to request the appointment of a joint committee to consider means of placing the municipal funds 'really' rather than 'nominally' under the control of the wardmasters¹⁶².

Shortly afterwards a joint committee was duly appointed¹⁶³, but it appears to have achieved nothing, for as late as March 1849 the wardmasters still faced the problem of being unable to assemble the two-thirds quorum. In desperation, they proposed that the municipal ordinance (No. 1 of 1840) be amended, and that, in the meantime, a simple two-thirds majority of the wardmasters present at any meeting be considered sufficient to alter the annual estimates¹⁶⁴. The wardmasters then proceeded to operate in this manner, despite having received the opinion of the Attorney-General, William Porter, that a majority of the 'whole number' of wardmasters was required¹⁶⁵. This tactic was condoned by the commissioners, who accepted their votes on items of expenditure, while reminding the wardmasters, 'for future guidance', of the provisions of the municipal ordinance¹⁶⁶. There was a discernible degree of harmony

161. 3/CT 1/2/1/2 (MW), pp.30-31, 22 May 1843.

162. Ibid.

163. 3/CT 1/1/1/6 (MC), p.287, 31 May 1843 and 1/2/1/2 (MW), p.33, 5 June 1843.

164. 3/CT 1/2/1/2 (MW), p.302, 12 March 1849.

165. Ibid., p.300.

166. 3/CT 1/1/1/12 (MC), p.330, 14 March 1849.

between the two boards¹⁶⁷ that was in marked contrast to their clashes in the early 1840s. Ultimately, the problem was tackled by Ordinance 14 of 1848, which halved the number of wardmasters from 96 to a more practical 48. The ordinance had been drawn up by Porter in response to the suggestions made to him by a deputation from the wardmasters¹⁶⁸. But it did not have the desired effect for the wardmasters still had difficulty in assembling the required quorum for their meetings¹⁶⁹.

The easing of relations between the commissioners and the wardmasters seems also to have stemmed from a more significant development - a shift in the composition of the Board of Commissioners. Nine of the commissioners from the mid-century period elected in 1844 or subsequently, were men who had added their signatures to the memorial against Porter's 1842 hard road bill from the nominal proprietors of Cape Town¹⁷⁰. Three of them had also signed the petition against this bill from the 'landed proprietors' who wished to avoid 'exclusive taxation' of the proprietors alone¹⁷¹. This new group, which included men who were yet to own extensive property, such as J.M.

167. The commissioners had been equally divided over a motion to rescind an earlier resolution which had required that all items not voted on by the necessary majority should be returned to the wardmasters for reconsideration. But the motion was lost, owing to the casting vote against it by the chairman, H.C. Jarvis: 3/CT 1/1/1/12 (MC), pp.337-338, 21 March 1849. Three of the commissioners who supported the motion B. Norden, J.H. Vos and H. Sherman had formerly been wardmasters.
168. Porter to Municipality, 13 April 1849: 3/CT 1/1/5/35, App. No.348.
169. CTM, 7 April 1849. The required number was achieved by 'a little "whipping-in"' of reluctant wardmasters.
170. LCA 13, item 38. See above, p.139. They were A. Brink, F.S. Berning, L.P. Cauvin, J.H. Wicht, C.F. Juritz, J.M. Maynard, O.J. Turner, E.G. Landsberg and J.J.L. Smuts, who was chairman from 1844 to 1847.
171. LCA 13, item 33. See above, p.138. They were J.H. Wicht, F.S. Berning and J.J.L. Smuts.

Maynard, J.H. Wicht and E.G. Landsberg¹⁷² was composed essentially of proprietors who were potentially wealthy¹⁷³, but who were adversely affected by the property slump of the early 1840s. After 1844, too, eleven of the commissioners were men who had formerly served as wardmasters¹⁷⁴. Conversely, after 1845 only one of Cape Town's élite merchants, Jacob Letterstedt, continued to hold office as a municipal commissioner - in the years 1846 and 1847¹⁷⁵. Letterstedt, in contrast to his later prosperity¹⁷⁶, appears to have been facing temporary financial difficulty, for he too had signed both of the petitions referred to above¹⁷⁷.

The year 1844 can therefore be considered as a major turning point in municipal politics. It marked the abandonment of municipal office by the handful of élite merchants who had initially served as commissioners, disillusioned, it seems, by the growing radicalism of the municipality, and its promotion of the business¹⁷⁸, property¹⁷⁹ and political¹⁸⁰ interests of Cape Town's burgeoning landlord and commercial class. With the ranks of the commissioners swelled by anxious proprietors and former wardmasters, the

172. By the 1860s, E.G. Landsberg owned a wholesale business in Cape Town, the 'Rozendal' estate in Rondebosch, sugar estates in Natal and several farms in the Orange Free State and Transvaal: 'Memoirs' of E.G. Landsberg.

J.H. Wicht owned extensive household property in Cape Town. Most of it was mortgaged to the Board of Executors but nearly £7 500 was recovered from 'sales of property': MOIB 2/1308 (64) (Insolvent Estate).

For details on J.M. Maynard, see above, Chapter II, p.52.

173. In 1842 J.J.L. Smuts owned 22 'properties' in Cape Town, F.S. Berning 30, J.H. Wicht 12 and J.M. Maynard 30 'properties' in Cape Town and a 'vineyard and brewery' in Wynberg: LCA 13, item 38.

174. See Appendix G.

175. See Appendix H.

176. See above, Chapter II, p.65 and footnote 93.

177. LCA 13, items 33 and 38.

178. See above, Ch.III, pp.90-91 and 95-96, and Ch.IV, pp.125-126.

179. See above, Chapter III, p.82 and Chapter IV, pp.137-138.

180. See above, pp.130-131.

Board of Commissioners began to reveal the same obsessive concern about municipal expenditure that had led to allegations of 'parsimony' being levelled against the Board of Wardmasters¹⁸¹. This concern, furthermore, was heightened after October 1847, when Montagu's Market Relief bill was passed, thereby decreasing the revenue which the municipality had obtained from its key source, the town market¹⁸².

One way in which the commissioners sought to finance expenditure, while at the same time keeping the tax on property at a minimum¹⁸³, was to acquire municipal revenue from other sources. This led, for example, to a massive increase - up to 300% in some instances - in the rates charged for leasing municipal 'wastelands'¹⁸⁴, despite objections from some local shipwrights and wine retailers, who had incurred 'considerable expense' in 'fixing themselves' (presumably by erecting temporary stores) on the allotments that they had rented¹⁸⁵. Similarly, in 1846 the commissioners introduced new water regulations¹⁸⁶ with the approval of the wardmasters¹⁸⁷, empowering them to take charge of the springs of water in the area of Oranjezicht and to impose a rate on the use of water from these streams. There was also a cost-saving provision in terms of which residents with access to these streams were themselves to keep in good repair, 'all pipes, cocks,

181. See above, Chapter III, pp.99-100 and Chapter IV, pp.144-145.

182. See below, Chapter V, pp.179 and 181-184.

183. In 1847 the tax on fixed property was only $\frac{1}{2}$ d in the pound: CTM, 6 November 1847. (Statistic given by Montagu in addressing the Legislative Council.)

184. 3/CT 1/1/1/7 (MC), p.172, 10 January 1844.

185. 3/CT 1/1/5/13, App. No. 55. Letter dated 22 January 1844. The occupations of the signatories were found in the Almanac. The commissioners refused to alter their decision to increase the rates: 3/CT 1/1/1/7 (MC), p.188, 24 January 1844.

186. 3/CT 1/1/1/10 (MC), p.35, 4 February 1846.

187. 3/CT 1/2/1/2 (MW), pp.169-170, 26 January 1846.

sluices and gutters'¹⁸⁸. It was not a popular measure. Although the commissioners undertook to guarantee all existing supplies to the 'houses, gardens, [and] mills' which had always depended on these streams¹⁸⁹, Advocate J.H. Hofmeyr, proprietor of the 'Waterhoff' spring, and G.W. Prince, who owned several steam mills, curtly warned the municipality not to interfere with their rights to the water¹⁹⁰.

The commissioners also resorted to other cost-saving devices in order to ease the pressure on the municipal treasury. One was the attempt to pass the responsibility for repairing certain streets on to the Central Board of Roads established by Montagu's 1843 Hard Road Ordinance. Taking advantage of one of the provisions of this ordinance¹⁹¹, the commissioners applied to the colonial government to have the Keisergracht, Shortmarket and Strand Streets, and Somerset Road declared main roads¹⁹², so that they would 'form part of the duty' of the Road Board, and accordingly ordered the municipality's Committee of Public Works to discontinue work on them¹⁹³. Despite a reply from the governor's office stating that as the matter was under discussion in the Legislative Council,

188. GG, 16 January, 1846 (Draft regulations).

189. Ibid.

190. Hofmeyr to Municipality, 27 January 1846: 3/CT 1/1/5/21, App. No. 101; Prince to Municipality, 3 February 1846: 3/CT 1/1/5/21, App. No. 130.

191. In terms of the 4th section of Ord. No. 8 of 1843, certain thoroughfares could be declared main roads and would then fall under the auspices of the Road Board.

192. 3/CT 1/1/1/12 (MC), pp.116-117, 12 July 1848. Unfortunately the third volume of the municipal letter books (3/CT 3/1/1/3) was missing at the time of research, despite repeated efforts by the staff of the Cape Town Archives to locate it. The minute book, therefore, was used instead, to trace the decisions made regarding municipal correspondence.

193. Ibid., p.133, 26 July 1848.

the governor could not 'meet the View of the Municipality',¹⁹⁴, the commissioners refused to alter their stand; a motion to rescind their decision to discontinue repairs was defeated¹⁹⁵. However, their plan backfired, for a group of disgruntled residents of District 12 wrote to protest against the 'subsequent neglect of the streets in question', sharply suggesting to the commissioners that this amounted to 'a virtual refusal' to perform the duties of their office¹⁹⁶. The commissioners hastily authorised the Committee of Public Works to proceed again with street repairs¹⁹⁷. No doubt they were again prompted by self-interest, for the neglected streets were those which provided direct access to the commercial centre of the town.

The economy-conscious commissioners welcomed offers from residents to bear half the expenses of repairs to streets and ditches, which were promptly accepted and attended to¹⁹⁸. The commissioners also considered proposals to reduce the number of public fountains¹⁹⁹ and to replace the 'Water House' in Cooper's Plein with a single pump 'to answer three purposes - Public, Coopers and Fire Engines',²⁰⁰; but none of these particular schemes appears

194. Governor's private secretary to Municipality, 22 July 1848: 3/CT 1/1/5/31, App. No. 773. See below, Chapter V, pp.190-192.
195. 3/CT 1/1/1/12 (MC), p.170, 13 September 1848.
196. Householders and landed proprietors of District 12 to Municipality, 6 October, 1848: 3/CT 1/1/5/32, App. No. 999.
197. 3/CT 1/1/1/12 (MC), p.196, 11 October 1848.
198. For example, 3/CT 1/1/1/12 (MC), pp.292 and 450, 24 January and 15 August, 1849. One of these applicants was the Cape Town artist Otto Landsberg, who requested repairs to that part of the Capel Ditch behind his Harrington Street property: 3/CT 1/1/5/34, App. No. 85.
199. 3/CT 1/1/5/36, App. No. 597. Report of the Superintendent of Waterworks, 17 July 1849.
200. 3/CT 1/1/5/37, App. No. 794. Report of Town Surveyor, 10 September, 1849.

to have been realised²⁰¹, possibly owing to the disruption created by the Anti-Convict Crisis. However, it does appear that the commissioners tried to economise on water supplies to the town. In 1848, for example, the residents of District 12 were still complaining of the 'extreme dearth of water' in the neighbourhood²⁰². An irate Baron de Lorentz, too, demanded the restoration of the public fountain which had been removed from Kloof Street, but the commissioners refused to consider the matter until the Baron had paid his rates²⁰³!

The tendency of the commissioners to oppose any expenditure that could be avoided, resulted in a protracted conflict with the butchers of Cape Town. Relations between the commissioners and the butchers who rented the Shambles were strained. Not only had the commissioners been opposed to granting the butchers exclusive rights to slaughter within the municipality²⁰⁴, they had also remained impervious²⁰⁵ to repeated requests to alter the provisions of the municipal regulations governing the driving of live-stock through the streets²⁰⁶. In vain the butchers protested that they were unable to bring sheep and cattle into Cape Town within the stipulated hours, because they had to graze them at a distance of more than 20 miles, and were consequently 'daily fined as much as 1£ [sic] for every such offence'²⁰⁷. In retaliation, it would appear, the butchers were negligent about the upkeep of the

201. Each commissioner was informed of the first report as it applied to the fountains in the district he represented, but the matter was never followed up, while the second report was laid on the table: 3/CT 1/1/1/12 (MC), pp.433 and 478, 18 July and 19 September 1849.

202. 3/CT 1/1/5/33, App. No. 1193. Water had to be fetched from distant pumps.

203. 3/CT 1/1/1/12 (MC), p.234, 22 November 1848.

204. See above, pp.128-129.

205. For example, 3/CT 1/1/1/8 (MC), p.145, 16 October 1844. The commissioners steadfastly refused to alter the regulations.

206. For example, 3/CT 1/1/5/11, App. No. 649 and 1/1/5/16, App. No. 867.

207. 3/CT 1/1/5/16, App. No. 867.

Shambles and were constantly, almost weekly, being prosecuted for committing such nuisances as polluting the beach with 'offensive matter' and failing to remove offal and entrails from the premises²⁰⁸. The Building Committee, Town Surveyor and Municipal Streetkeeper regularly presented graphic reports on the disgusting condition of the Shambles²⁰⁹. The buildings swarmed with rats which fed on the accumulating filth, died and were left to rot. The Shambles were also a regular resort for gamblers on Sundays²¹⁰, and one tenant even kept a tiger on the premises²¹¹.

The crux of the matter was that the Shambles regularly needed repairs because of 'gross neglect on the part of the tenants'²¹². The premises, insisted the commissioners, had been delivered over to the butchers in a 'state of thorough repair' and they were bound by contract to maintain them in good condition²¹³. As a result, the commissioners refused to pay for the upkeep of the Shambles out of municipal funds and demanded that the butchers should put them in order or else meet the expenses for the necessary repairs²¹⁴. At the same time, the commissioners had no qualms about increasing the rents on the Shambles, another useful source of municipal

208. In one year alone the streetkeeper reported 96 such offences: 3/CT 1/1/1/12 (MC).

209. For example, 3/CT 1/1/5/19, App. No. 605; 3/CT 1/1/5/32, App. Nos 811 and 850.

210. 3/CT 1/1/5/32, App. No. 843.

211. 3/CT 1/1/5/20, App. No. 802. He was requested 'forthwith to remove the said Tiger': 3/CT 1/1/1/9 (MC), p.224, 10 September 1845.

212. CTM, 25 July 1846. Report on the meeting of commissioners on 22 July.

213. Ibid.

214. Ibid. Further evidence can be found in 3/CT 1/1/1/9 (MC), p.144, 16 July 1845.

revenue²¹⁵. They were also swift to crush a second attempt at a meat monopoly engineered by Messrs Mechau, Redelinghuys and Van Reenen. In practice, these men controlled all but one of the premises at the Shambles, having purchased the 'goodwill' of the different occupiers. On discovering these illegal dealings, the commissioners immediately resolved that the Shambles occupied by two of the men who had sold their 'goodwill' for £1 200 (plus agreeing not to enter the meat trade for the next 10 years) 'be locked this day'²¹⁶. This prompt response earned the praise of the Zuid-Afrikaan, which congratulated the commissioners on eradicating an evil 'which not only operates prejudicially on the pockets of the common consumer, but has also a ruinous tendency to thwart all lawful trade'²¹⁷.

Fines and licences also helped to fill the municipal coffers and the commissioners refused to yield to requests that would have jeopardised this source of revenue. The grievances of the bakers of Cape Town were treated by the commissioners with the same lack of sympathy as they had displayed towards the butchers. The bakers complained that the shopkeepers who sold their bread, after purchasing the necessary licence, charged ruinous rates of commission and also gave false evidence against the bakers, which resulted in their being frequently fined for making under-weight loaves²¹⁸. To remedy these problems it was proposed that only bakers should be allowed to sell bread, as was formerly the practice, and that bread should be sold not by the loaf but by weight²¹⁹. The commissioners, however, resolved that these proposals could not be 'entertained'

215. In 1848, for example, the rent was raised by £6 a month: 3/CT 1/1/1/12 (MC), pp.170-171, 6 September 1848.

216. ZA, 9 January, 1846. Report on the meeting of commissioners on 31 December 1845.

217. ZA, 13 January 1846.

218. Bakers of Cape Town to Municipality, 6 June 1849: 3/CT 1/1/5/37, App. No. 607; further evidence can be found in 3/CT 1/1/5/31, App. No. 668. The shopkeepers charged a commission of 19% to 25%.

219. Ibid.

and instead called the attention of the Streetkeeper to the complaint²²⁰ that a few unscrupulous bakers were making bread that was lighter than the proper weight²²¹. The routine prosecution of bakers for contravening the municipal regulations²²² would therefore continue, while income from the licence fees paid by the shopkeepers was still assured.

Considerations of expenditure also dominated the thinking of the commissioners with regard to the introduction of gas lighting. Initially the commissioners hoped to get the colonial government to share the expense, on the grounds that lighting the streets would 'materially facilitate the execution of the Police of their duties', and thus enable the government 'to effect a considerable saving by reducing the force'²²³. However, while admitting 'the advantage of light in aid of police duties', Baron de Lorentz was strenuously opposed to a reduction in the size of his force, which was already insufficient for the services required of it²²⁴. In support of his opinion, De Lorentz enclosed a report from Inspector King stating that more men were needed to maintain the efficiency of the police, in view of the expansion of the town. At the same time, the Inspector had been obliged to shorten the beats in the centre of the town owing to 'several Robberies' which had occurred in 1843, and to the increase

220. Ibid.

221. 3/CT 1/1/1/12 (MC), p.435, 18 July 1849.

222. On 27 September, 1848, for example, the commissioners resolved to prosecute bakers who had contravened the regulations touching the sale of bread 'without loss of time': 3/CT 1/1/1/12 (MC), pp.181-182.

223. Report of a special committee, 30 September 1846: 3/CT 1/1/5/23, App. No. 673.

224. De Lorentz to Municipality, 22 August 1846: 3/CT 1/1/5/23, App. No. 613. In 1842 the Baron had called for an increase in the size of his force but the colonial government lacked the necessary funds to be able to meet this request. Napier, too, had referred in his despatches to London to the 'very limited number of constables even in the towns': Napier to Stanley, 2 July 1842: GH 23/14, Vol.1, p.119, Despatch No. 127.

in shipping at the North Wharf²²⁵. The Cape Town police, like the municipality, it seems, also gave priority to the town centre. Nevertheless, to reduce the police force was obviously out of the question, and the colonial government would not sanction 'any increase on the Revenue of the charge [sic] either for the Police establishment, or for the Gas Lights'²²⁶.

The refusal of the colonial government to contribute towards the costs of gas lighting presented the Town House with the problem of financing the scheme without too much of a drain on the municipal treasury. To abandon the project would have been difficult in view of the enthusiasm of both the wardmasters²²⁷ and certain proprietors, who believed that 'the comfort and convenience of the inhabitants would be promoted and property rendered more secure' by lighting the streets with gas²²⁸. Instead, the commissioners devised ingenious means to solve the problem of expenditure²²⁹: the responsibility for erecting and repairing the lamp posts would lie with the Gas Company - the municipality would simply pay, at a fixed rate, for the use of the gas lights; further revenue would be raised by selling municipal property, such as the Good Hope Estate and the Waterworks Buildings²³⁰; additional income from house rates was also anticipated as a result of the 'steadily increasing' immovable property; finally, out of spite to

225. Ibid. Inspector King referred in particular to the expansion at the 'outskirts' of the town where former 'wasteland' was now being 'covered with Houses'.

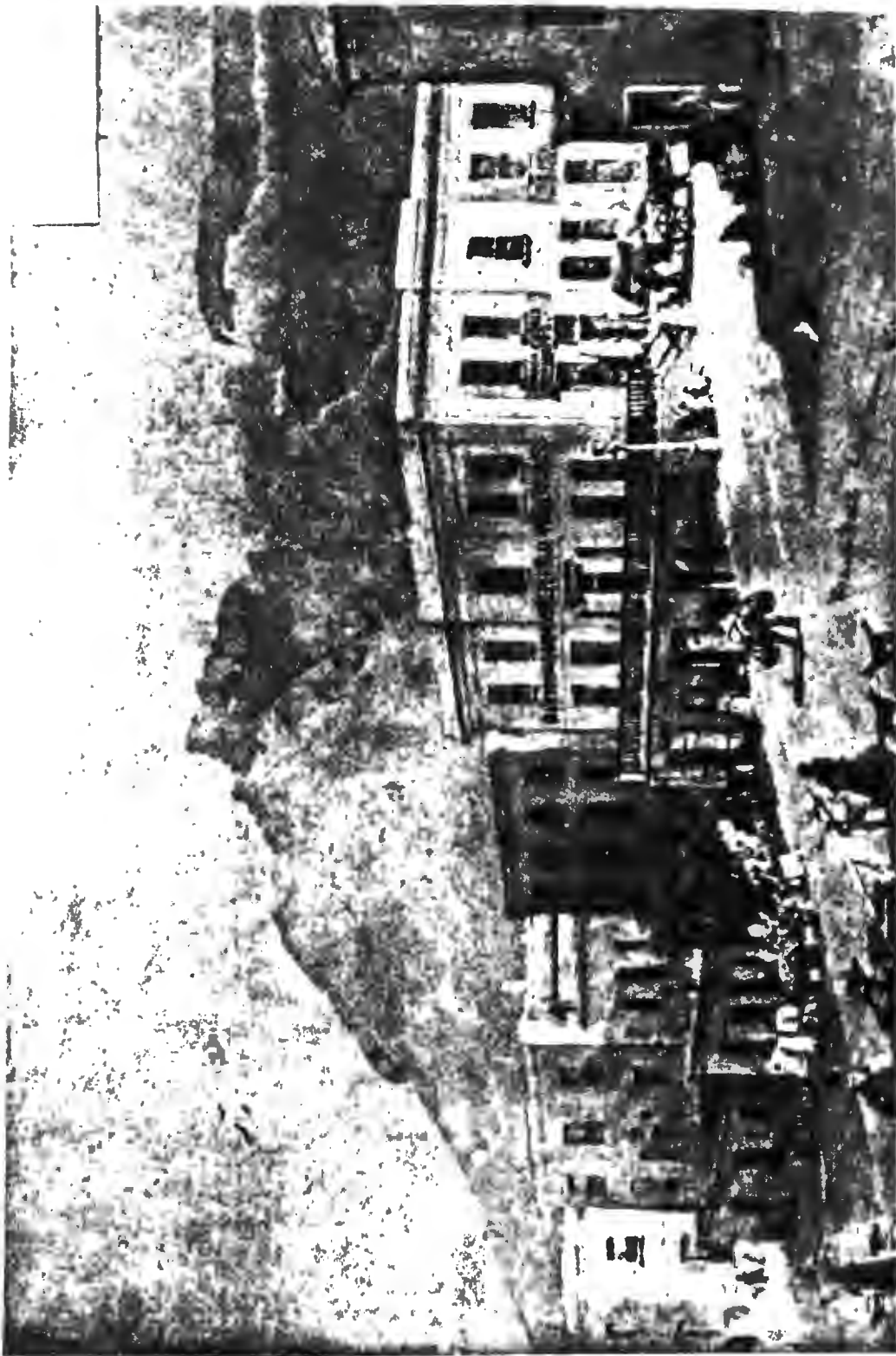
226. Montagu to Municipality, 10 September 1846: 3/CT 1/1/5/23, App. No. 663.

227. See above, p.127.

228. Proprietors of Cape Town to Municipality, 25 September 1846: 3/CT 1/1/5/23, App. No. 686. The signatories included several élite merchants such as Borradailes, Thompson, Pillans & Co., and Prince, Collison & Co., as well as several prominent local businessmen, such as Levicks and Sherman and Van der Byl & Co.

229. The following section is based on the report of the Gas Committee: 3/CT 1/1/5/23, App. No. 673.

230. The Good Hope Estate was sold in April 1847, to John Barry for £2 000: 3/CT 8/15/1, p.24.



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Plate 30 Strand Street, Cape Town. 1852

STRAND STREET, 1852
(Note the rare gas lamp)

Source: F. Bradlow, Thomas Bowler. His Life and Work

De Lorentz and the colonial government, the streets would be lit only until midnight, 'as its Continuance after that hour would only tend to further the objects of the Police'. Later, other cost-saving measures were enforced. The Gas Company, for example, was charged for repairs to streets where gas pipes had been laid²³¹, and even the Governor was obliged to pay for the lamps installed in front of Government House²³².

In introducing gas lighting the commissioners again revealed self-interest that determined which parts of the town received priority in regard to public works²³³. The streets of central Cape Town were the first to receive gas lights²³⁴ and although plans to erect lamps in the more peripheral streets were adopted²³⁵, preferential attention was still given to the main thoroughfares such as Wale Street, Sir Lowry Street and Somerset Road²³⁶. Meanwhile inhabitants of the more neglected districts were concerned about the lack of gas lighting. Some residents of District Two (in the 'Waterfront' area), for example, urged the commissioners to introduce gas lamps as their district was 'dark and densely crowded and in its present

231. 3/CT 1/1/1/12 (MC), pp.250 and 387, 6 December 1848 and 16 May 1849.
232. When the Governor complained that he was being charged for these lamps by the Gas Company, the commissioners regretted that they could not defray the expense because they were bound by a contract in terms of which the Gas Company and not the Municipality was responsible for installing the lamps: Aide to Governor to Municipality, 27 July, 1848: 3/CT 1/1/5/32, App. No. 814; 3/CT 1/1/1/12 (MC), pp.145-146, 9 August 1848. Meanwhile, the Gas Company advertised its offer of 'very large reductions in their charges for the supply of gas fittings': GG, 10 February, 1848.
233. See above, pp.146-148.
234. The Heerengracht, for example, was one of the first in which a gas pipe was laid: 3/CT 1/1/1/12 (MC), p.155, 23 August 1848.
235. Lamps were approved for Orange, St John's, Buitenkant, New, Rose, Chiappini and upper Buitengracht, Loop and Bree Streets: 3/CT 1/1/5/36, App. No. 464. Approved by commissioners on 30 May 1849: 3/CT 1/1/1/12 (MC), p.397.
236. Wale Street was to get 5 additional lamps, Sir Lowry Street 6, and Somerset Road 3: Ibid., and 3/CT 1/1/5/32, App. No. 939, Secretary to Gas Company to Municipality, 20 September 1848.

state affords a rendez-vous to Idle and other suspicious Characters',²³⁷.

Self-interest was also manifested in another guise. On occasions the municipality signed contracts for certain services with men who served as commissioners during the mid-century, although never while they were actually holding office. For example, James Cameron was contracted to repair the Shambles and the Town House²³⁸, Henry Sherman (of Levicks and Sherman) to supply iron pipes²³⁹, and P.J. Pentz to supply gravel and to repair all public roads²⁴⁰. On the other hand, the vast majority of contracts were signed with more regular contractors, such as the 'master mason' John Cullen, who was frequently engaged to lay gutters and to repair ditches²⁴¹, and who constructed the new reservoir²⁴² situated between Hof and Orange Streets. Moreover, it would be erroneous to imagine that the commissioners always acted in unison or held the same interests in common. Indeed, at times there were palpable signs of disunity. On one occasion J.H. Wicht and H.C. Jarvis tried to ram through a motion to instruct the municipal secretary to execute the resolutions of the board without delay²⁴³. But at the next meeting the majority of the commissioners decided that no resolution should be carried into effect, until the minutes had been confirmed at a

237. Householders of District Two to Municipality, 2 October 1848: 3/CT 1/1/5/32, App.No. 994. It was also reported that there were only four gas lamps in the whole of District 12: CTM, 7 April 1849.
238. 3/CT 11/1/2 (Contract Book), items 86 and 95.
239. Ibid., item 100.
240. 3/CT 11/1/3 (Contract Book), items 22, 28 and 55.
241. Ibid., items 8, 34 and 70.
242. Ibid., item 68. The new reservoir was built between 1849 and 1852 at a cost of £2 700.
243. CTM, 29 January 1848. Meeting held on 26 January.

subsequent meeting, thereby preventing a minority of members from acting without the knowledge and approval of the rest of the board²⁴⁴.

In their relations with one another the commissioners were not always amicable, and their meetings sometimes provoked heated debates²⁴⁵. Insults were exchanged while the chairmen hammered loudly on the table, attempting ineffectually to restore order. On occasions members of the board abruptly resigned²⁴⁶. There were also open clashes of personality, notably between H.C. Jarvis and Benjamin Norden. When Jarvis suddenly stormed out of a meeting in July 1848, Norden introduced a motion declaring that Jarvis had ipso facto vacated his seat²⁴⁷. Although this resolution was later expunged²⁴⁸, Norden thereafter refused to acknowledge the legality of Jarvis's office, referring sarcastically to 'the individual occupying the chair'²⁴⁹. Jarvis, in turn, asserted that Norden as 'High Priest of the Jewish community' was disqualified from being a commissioner²⁵⁰. He finally gained revenge when Norden was forced to resign from the board at the height of the Anti-Convict Crisis. The Cape Town Mail regretted that the 'scenes of squabbling' amongst the commissioners appeared to confirm Sir Harry Smith's observation that there was a lack of 'unanimity and

244. CTM, 12 February 1848. Meeting held on 9 February. Benjamin Norden noted that 'it is possible that persons may be found who would take advantage, at a late period of a meeting, when there was only a quorum, to carry a resolution and direct the secretary to carry it into effect, when, before the absentees could know of it, the mischief would be done.': Ibid.

245. For example, the vivid accounts recorded in CTM, 30 September and 28 October 1848.

246. J.M. Maynard and T. Sutherland (after, it seems, a brief spell of only a few months in office) resigned because they refused to audit the municipal accounts, which had not been brought up to date: CTM, 28 October 1848. J.H. Wicht resigned because doubt was expressed as to whether he was legally qualified to be a commissioner: CTM, 30 September 1848. Both Maynard and Wicht, however, soon returned to their seats, and continued to hold office for the next few years.

247. 3/CT 1/1/1/12 (MC), p.103, 3 July 1848.

248. Ibid., 9 August 1848.

249. CTM, 28 October 1848.

250. Jarvis invoked the 31st section of the 1840 Municipal Ordinance which disqualified men 'in holy orders': CTM, 7 October 1848.

cordiality' at the Town House²⁵¹.

Two men in particular were often at odds with their fellow commissioners: A. Brink and A.F. Carstens. Both, it seems, desired to see town improvements conducted on a more egalitarian basis²⁵². Both, for example, were opposed to the suspension of repairs to certain streets which the other commissioners hoped to pass on to the Road Board, calling instead for them to be repaired immediately, 'as [well as] every other street within the Municipality',²⁵³. Previously Carstens and Brink had also voted against the plan for 'fixing gas lights' adopted by most of the commissioners, proposing instead that the lights 'generally be placed in a more equal proportion in every District ...',²⁵⁴. Brink also came to the defence of the butchers, opposing both the increase in rents for the Shambles and the severe measures taken against those butchers who had co-operated in a meat monopoly²⁵⁵. His response in these matters, however, appears to be coloured by the fact that he was distantly related to one of the Brinks who was in the butchery trade²⁵⁶.

Another source of tension within the Board of Commissioners

251. CTM, 28 October 1848.

252. Carstens and Brink had both signed a memorial opposing the 1842 hard road bill on the grounds that the proprietors of Cape Town 'in many instances' could 'but just pay' the municipal taxes, let alone a road rate. The memorialists also noted that the 'poor coloured and working classes' also found 'real difficulty in paying their Rents'. In view of this general hardship, they opposed the road scheme, believing that it would benefit 'scarcely Forty of the owners of Landed Property': LCA 13, item 25. Memorial of Proprietors of Landed Property in the Cape and Stellenbosch Divisions.

253. Their motion was defeated. 3/CT 1/1/1/12 (MC), p.170, 13 September 1848. See above, p.154-155.

254. 3/CT 1/1/1/10 (MC), p.314, 4 November 1846. See above, p.161.

255. 3/CT 1/1/1/12 (MC), pp.170-171, 6 September 1848 and 3/CT 1/1/1/9 (MC), p.356, 9 January 1846. Brink had suggested that the butchers involved in the meat monopoly be given the usual three months' notice to quit. See above, p.157-158.

256. A. Brink (D's) was the cousin of P.M. Brink whose nephew C.P. Brink was one of the butchers who rented the Shambles.

was the presence of a strong contingent of landlords, who formed a key group within the rising commercial class. Commissioner O.J. Truter, an attorney by occupation, feared that the landlords could have an over-riding influence in municipal politics. H.C. Jarvis, J.M. Maynard, A.F. Carstens and J.H. Wicht 'with their hundreds of houses,' observed Truter, 'would outweigh us all if the choice of Wardmasters rested in them'²⁵⁷. The naked self-interest that sometimes motivated the landlords of Cape Town is apparent in their attempt in 1846 to gain the intervention of the Legislative Council in the problems they faced when trying to recover rent from unreliable tenants.

Dishonest practices, claimed the Zuid-Afrikaan, had exposed the landlords, 'to serious losses sustained in the shape of rent'²⁵⁸. Tenants who were months in arrear with the rent disappeared, while the landlord was tied up in the delay and expense of legal proceedings. It was not uncommon, too, for the 'lower orders' to 'flock together in a small building' where 'they lay packed like herrings'. Generally one of them would hire the building and would be responsible for the rent. After a few regular payments, they would fall in arrear and the landlord would find 'his house empty, all the parties gone - and perhaps his key in the bargain - no one knows where'²⁵⁹. While there can be no doubt that many landlords exploited their tenants, it must be noted, in all fairness, that tenants could also create difficulties. A rather amusing incident, for example, came to the attention of the municipality. A soap and candle manufacturer in Long Street had let the floor above his store to a carpenter, who 'cause[d] dust to descend upon the new-made candles'. In retaliation,

257. CTM, 21 October 1848. Despite the extensive property owned by Maynard in Cape Town, he did not have 'a single vote' because it appears that he did not personally occupy any of his houses in the town. They were presumably all rented out to other occupiers.

258. ZA, 17 December 1846.

259. Ibid.

the landlord attempted to 'smoke out' his tenant, who complained of a 'disagreeable stench, arising from the boiling of the fat',²⁶⁰.

Prompted by the grievances of the landlords²⁶¹, Porter introduced a bill 'for facilitating the Recovery of small Rents and other Debts',²⁶². Essentially, the bill aimed to empower the courts of resident magistrates to pronounce final, instead of interlocutory, judgement in cases dealing with the recovery of small amounts, thereby dispensing with the usual circuitous and expensive legal proceedings. A memorial signed by a number of landlords and men who held office as municipal commissioners in the mid-century, including the Chairman of the municipality, H.C. Jarvis, urged the passing of the bill²⁶³. However, the poorer classes expressed their opposition to the bill, in a petition from certain 'inhabitants and poor Tradesmen'. The bill, they argued, was 'more beneficial for the Opulent than for the poorer classes'. The petitioners admitted that they were 'very often put in the impossibility to discharge [sic] their small debts at once', but they would, 'by the inclemency of their Creditors, who enforce this Ordinance', be deprived 'of an opportunity to earn something for their family [sic]', and be exposed 'to the utmost poverty and Misery',²⁶⁴.

The small rents bill and a twin measure, a landlords' rent bill, came under discussion in the Legislative Council on

260. 3/CT 1/1/5/13, App. Nos 60 and 65.

261. ZA, 9 April 1846.

262. LCA 18, item 51. Presented to the Legislative Council on 27 October, 1846: LCA 3, p.122.

263. Memorial of 'Landed Proprietors, Merchants, Traders and Other Inhabitants of Cape Town', 23 November 1846: LCA 18, item 64. The names of ten men who were both landlords and municipal commissioners could be identified amongst the signatories, viz. J.H. Vos, J.H. Wicht, C.P. Brink, H.C. Jarvis, J.A. Bam, F.S. Berning, J.J.L. Smuts, A.F. Carstens, F.H. Kunhardt and J.M. Wentzel.

264. LCA 19, item 12. Presented to the Legislative Council on 9 February 1847: LCA 3, p.196.

9 February 1847. William Porter explained that the bills were aimed at stopping dishonest tenants from unjustly depriving the landlords of their rent, as well as enabling retail dealers and small tradesmen to recover their money from their debtors²⁶⁵. Montagu, however, was opposed to the 'principle of civil imprisonment for debt' on which Porter had declared his bills would 'stand or fall', fearing that the measures would 'operate mainly against the labouring population of the Colony' and be used 'as a means to oppress, if not substantially to enslave them'²⁶⁶. The main advocates for the bills, Montagu believed, were 'the proprietors of what are termed hire houses, who receive from the poor, small weekly rents of a few shillings, to an extent ... of £500 or £600 a year in many cases'²⁶⁷. The governor, Sir Henry Pottinger, was also 'strongly opposed' to the principle of imprisonment for debt and used his casting vote to defeat a second reading of the small rents bill. This bill having been lost, Porter then withdrew the landlords' rent bill²⁶⁸. It was clearly a setback for the landlords of Cape Town, and the municipal commissioners who shared their interests. But this episode was only a small part of the mounting conflict that was developing between the Cape Town Municipality and the colonial government.

265. CTM, 18 February 1847.

266. CTM, 20 February 1847. Porter, in reply, accused Montagu of thinking that 'all debtors are the victims of designing creditors and that these are, in truth, the guilty parties': Ibid.

267. Ibid.

268. LCA 3, p.195.

Source: F. Bradlow, Thomas Bowler, His Life and Work

GOVERNMENT HOUSE



5.

CHAPTER V

RELATIONS BETWEEN THE MUNICIPALITY AND THE
COLONIAL GOVERNMENT, 1845 - 1850

From the start, the Cape Town Municipality spearheaded local opposition to unpopular measures sponsored by the colonial government. By 1844 it had already taken the lead in raising objections against the scheme to import juvenile convicts¹ and against Porter's hard road bill². In December 1844, a fresh controversy stirred Cape Town society - the introduction of a stamp bill which was designed to impose a stamp tariff on all bills and promissory notes, insurance policies, deeds of partnership, marriage licences and land rent receipts³. John Montagu, the Secretary to Government, explained that the object of the bill was 'gradually to relieve the landed interest of the transfer duty', the income from which would be replaced by the stamp taxes⁴.

Once again, the first public response came from the Cape Town Municipality, when the commissioners resolved to hold a municipal meeting to consider the stamp bill⁵, 'a strange monster', declared the Zuid-Afrikaan, 'as yet unknown in the natural history of this colony'⁶. The joint meeting of the commissioners and wardmasters was held at the Town Hall on 6 January 1845, and the lively sentiments and opinions that were expressed provide further evidence of

1. See above, Chapter IV, pp.134-136.

2. See above, Chapter IV, pp.137-143.

3. Breitenbach, 'Montagu', AYB 1959, II, p.208. The measure was introduced by Montagu in the Legislative Council on 16 December 1844.

4. Ibid.

5. 3/CT 1/1/1/8 (MC), p.267. 24 December 1844.

6. ZA, 24 December 1844.

the central issues of municipal politics at that time⁷.

The Municipality of Cape Town, it appears, bestowed upon itself the political role of opposing the 'tyranny' of government and official privilege. With the wardmasters, for once present in large numbers, backing the commissioners⁸, the municipality was able to present a united front. Indeed, the tone of the meeting at times bordered on the revolutionary. In an attack directed against 'the placemen [i.e. officials] who luxuriate on handsome incomes', Wardmaster David Buchanan contended that the bill aimed not to reform existing stamp duties, but 'to fill the official coffers of John Montagu'. Another speaker compared the plans of the government to the actions of a 'Nero or a Caligula'. Montagu's vague promise to reduce transfer duties was discounted as a 'sugar plum' to help swallow the 'bitter pill' of taxation. The meeting resolved that since the colony enjoyed 'a surplus revenue', there was 'no legitimate demand' for additional taxes; the proposed tax was 'unnecessary and therefore unconstitutional'⁹. Advocate C.J. Brand accordingly moved that the meeting was 'warranted in justice to the inhabitants at large [*sic*]' in opposing the passing of the bill¹⁰. The municipality thus saw itself as the political mouthpiece of the colonists in general.

Another concern voiced at the meeting was the determination

7. CTM, 11 January 1845. The section below is based on this account. The resolutions of this meeting were also recorded in ZA, 7 January 1845. It was one of the most comprehensively reported municipal meetings of the mid-century period - 11 out of the 15 columns on pages 2 to 4 were devoted to this meeting.
8. The chairman, J.J.L. Smuts, was pleased to note 'so full a meeting, as shewing that the wardmasters took a great interest in the matter' they had met to consider.
9. In terms reminiscent of the American Revolution (1776-1783), D.D. Buchanan argued that the only grounds on which the government could tax the people were 'the defence of the country, the maintenance of order, ... and the promotion of the people's happiness'.
10. J.J. Breitenbach incorrectly attributes this resolution to a 'public meeting' held 'on the same day', but no such meeting took place: 'Montagu', p.209.

to resist further burdens of taxation, particularly if they were likely to impede local trade and commerce. Peter Tonkin, the 'funny-man' of the wardmasters¹¹, accused 'Mr Montescrew' of taxing the 'working class of people' over and over again. Wardmaster A.S. Robertson¹² protested that his neighbour, F.H. Kunhardt¹³, 'having a very extensive business', would have to pay, as a result of the stamp taxes, 'many times' the amount that he had paid on the transfer duty on his property. The imposition of a stamp tax, it was believed, would restrict business transactions; another resolution passed by the meeting declared that the proposed ordinance would 'obstruct and injure the interests of the Banking Establishments, Merchants and Traders' of the colony.

Linked to the concern about colonial commerce was the concern about property. It was feared that the proposed increases in taxation on insurance policies and premiums, and on mortgage and notarial bonds¹⁴ would materially affect property holders. They would no longer be able to afford insurance, it was argued, or else would be obliged to turn to 'European' insurance companies, because the colonial tariffs would rise far higher than those in England. This would deprive the local joint stock companies of business and cause the shares and property invested in them to deteriorate in value. Owners of mortgaged property would be faced with doubled bond charges, and, insisted J.H. Wicht, the mortgagees, too, would be 'losers' in view of the heavy imposts 'which take such a tremendous sum out

11. See above, Chapter III, p.81.
12. A.S. Robertson owned a book shop in Adderley Street. See illustration (p. 26). From the regular advertisements which appeared in the Cape Town press, he appears to have conducted a flourishing business.
13. F.H. Kunhardt, an apothecary by trade, was a municipal commissioner in 1844 and 1846.
14. A 260 per cent increase in the tax on these bonds was envisaged.

of the price of landed property'¹⁵. Lest opposition to the stamp taxes be misconstrued to mean support for the transfer duty, Wicht demanded that this 'remnant of the dark feudal ages' be removed. In short, opposition to the stamp bill provided a rallying ground for the various groups in Cape Town whose representatives sat on the two boards of the municipality: the nominal proprietors of mortgaged property, the bankers, shopkeepers and tradesmen who daily handled bills and promissory notes, the mortgagees who invested in property, and the directors and shareholders of the colonial joint stock companies.

An element of rivalry between the municipality and the Commercial Exchange, dominated by Cape Town's mercantile élite¹⁶, was also discernible. Several speakers referred in somewhat scornful terms to an earlier meeting held at the Commercial Exchange on 4 January¹⁷. The meeting of the 'gentlemen merchants'¹⁸ was variously derided as being 'hum-drum', 'lukewarm' and characterised by 'the most solemn and ludicrous obsequiousness' which did more to harm than to advance the cause against the 'diabolical' stamp bill. It appears that while the mercantile élite preferred to be respectfully cautious in criticising the colonial administration, the municipality was quite ready to spark off a confrontation, if necessary, in order to ensure victory for the colonists. In the light of this, the future split between the 'Moderates' and the 'Ultras' on the Anti-Convict Association¹⁹ was not so surprising. Yet the mercantile élite shared the same anxiety as the rising commercial class allied to the municipality about the potentially

15. J.H. Wicht noted that 'in our family we have a great many bonds [but] if we ever think of calling in capital we always calculate upon losing money'. The Wichts were one of the biggest property-owning families in Cape Town (see Appendix F).

16. See above, Chapter II, p.49.

17. CTM, 11 January 1845.

18. The term used by Advocate Brand in addressing some who were present at the Town Hall meeting.

19. See below, Chapter VI,

crippling effects of additional taxation on colonial business. The memorial from the Commercial Exchange also emphasised that the stamp bill was 'especially objectionable to the commercial and trading portion of the community',²⁰.

At the conclusion of the municipal meeting it was resolved to draw up a petition in terms of the resolutions that had been passed, entreating the Legislative Council not to adopt the draft ordinance²¹. Opposition to the stamp bill soon spread throughout the colony, with both Eastern and Western newspapers engaging in a full-scale campaign against the measure²². In Cape Town itself a public meeting was held at the Commercial Exchange on 11 January, attended by a 'numerous and respectable assemblage', and chaired by Jacob Letterstedt²³. Although the chairman and three of the main speakers²⁴ represented the mercantile élite, the meeting was dominated by men from the municipal party²⁵. Indeed, the views articulated at this meeting echoed many of those espoused by the municipality. It was believed that operation of the stamp taxes would suppress trade, retard prosperity, destroy public credit and diminish the security of property. The increases in taxation (ranging from 30 per cent to 800 per cent) were regarded as indefensible in view of the government's surplus revenue. Moreover, the measure was treated as an assault on popular liberty and one speaker, Captain J.H. Vanreenen, went so far as to remind everyone that it was the Stamp Act (of 1765) 'which lost England the United States [of America]'. David Buchanan, printer and publisher of the Cape Town Mail,

20. LCA 16, item 17. Memorial to the Members of the Commercial Exchange, January 1845. It was signed by about 25 élite merchants. Also printed in ZA, 7 January 1845.

21. CTM, 11 January 1845.

22. Breitenbach, 'Montagu', pp.208-209.

23. CTM, 18 January 1845. The following section is based on this account. This meeting appears to have been overlooked by J.J. Breitenbach.

24. John Stein (partner of Hamilton Ross), T. Ansdell and E. Chiappini.

25. J.H. Wicht, J.M. Maynard, T. Sutherland, J.H. Hofmeyr, D.D. Buchanan and A.S. Robertson.

interrupted the proceedings to appeal against the doubled tax on newspapers, which was interpreted as an attempt by government to fetter the local press.

Differences of interest between the mercantile élite and the commercial men of the municipality were again apparent²⁶. The former found the prospect of stamp taxes unwelcome in view of the increased customs duties on foreign goods, which had 'fallen heavily on the mercantile community' in particular. They worried about the fate of colonial companies because they perceived them as 'the means of drawing toward [the colony] a part of the surplus capital of England'. The municipal spokesmen, on the other hand, repeated their opposition to the 'heavy' transfer dues, which, if abolished, 'would give a great facility [sic] to the buying and selling of landed property'. Thomas Sutherland noted, too, that in the Cape 'capital is chiefly invested on [sic] mortgage bonds on landed property, and bank shares', which were the main forms of security used to obtain loans. Thus, while the mercantile élite was more concerned with customs dues and metropolitan capital, the rising commercial class was preoccupied with the acquisition of property and its use as a means of financial security.

A petition reflecting the resolutions of the public meeting was drawn up for presentation in the Legislative Council²⁷. To stress their opposition to the stamp bill, the leading figures from Cape Town's mercantile and commercial communities²⁸ formed a deputation, led by Harrison Watson, and met the Governor, Sir Peregrine Maitland, on 20 January²⁹. After Watson had urged the withdrawal of the stamp bill, pointing out the 'universal objection' to the scheme,

26. The following paragraph is also derived from CTM, 18 January 1845.

27. LCA 16, item 8. Memorial of the Inhabitants of Cape Town.

28. They included the directors of all the local banks and joint stock companies. H. Watson represented the Commercial Exchange, and John Fairbairn the local press.

29. SACA, 22 January 1845.

Maitland promised not to impose it on the people against their will³⁰.

When the Legislative Council met on 27 January for the second reading of the stamp bill, there was enormous public interest in the outcome. The Council Chamber was 'crowded with strangers, and the entrance thronged with eager listeners'³¹, and Cape Town's three major newspapers later devoted much space to the meeting³². Thirty-two petitions against the bill were presented by the unofficial members, including memorials from the Municipality of Cape Town, the Commercial Exchange and 14 Cape Town banks and joint stock companies³³. Not a single petition was presented in support of the measure. For nearly three hours John Montagu held the floor, explaining the origins, intentions and effects of the draft ordinance in a skilful speech marred by an 'abundance of sarcasm' and 'not a few blunders'³⁴. On the positive side, Montagu spoke in favour of developing the resources of the colony. If improvements had been made in the past, he reasoned, the consequent growth of the export trade and commerce would have yielded ample revenue through customs duties, so that there would have been no need to discuss 'the propriety of stamps or transfer duties'³⁵. But few people heeded this argument because of the outcry provoked by Montagu's remark that real contention over the stamp bill, 'however ingeniously it had been contrived to give it a different appearance', was not between 'the Government and the community' but between 'the monied [sic] and the landed interests'³⁶.

30. Ibid.

31. CTM, 1 February 1845.

32. Ibid., SACA, 29 January and ZA, 31 January and 7 February 1845.

33. CTM, 1 February 1845.

34. SACA, 29 January 1845.

35. CTM, 1 February 1845.

36. Ibid.

For this allegation Montagu was roundly condemned³⁷. The Zuid-Afrikaan accused him of trying to pursue a policy of divide and rule by 'throwing the apple of discord amongst the landed proprietors and the mercantile interest'³⁸. In the Legislative Council such a heated debate ensued that Porter observed that the 'atmosphere' probably 'suggested India' to Montagu³⁹. The Secretary to Government had clearly misconstrued the nature of the opposition to the stamp bill, as the unofficial members angrily pointed out. Hamilton Ross stressed that both the merchants and the 'landed interest' would be disadvantaged by increased taxes. J.B. Ebden declared that he had never witnessed 'such perfect unanimity of feeling' uniting the colonists. Replying to Montagu's insinuation that the opposition to the measure had been 'instigated', Ross blamed the officials who had framed it as 'the sole cause of the irritation that has existed'.

In the end, Montagu, bowing to pressure from the Governor, withdrew the stamp bill⁴⁰. The successful agitation against the measure, notes J.J. Breitenbach, was 'an axial point in Cape politics'⁴¹, for the colonists had learnt how to organise themselves against unpopular moves by the colonial government. For Montagu it was the turning point in his career; his unpopularity mounted and he became 'almost the scapegoat of conciliar government'⁴². There was, however, a more immediate consequence. Montagu, it seems, suspected that the Municipality of Cape Town had orchestrated much of the opposition against the stamp bill. Of all the local institutions that had submitted

37. J.J. Breitenbach appears to ignore this, for he rather uncritically admires the 'pungency' of Montagu's remark: 'Montagu', p.210.

38. ZA, 7 February 1845.

39. CTM, 1 February 1845. The following section is based on this verbatim report.

40. CTM, 1 February 1845. The unofficial members were profuse in their gratitude to Maitland.

41. Breitenbach, 'Montagu', p.211.

42. Ibid.

petitions, this body alone came under fire from Montagu on 27 January. In his address to the Legislative Council, Montagu expressed the view that there was 'nothing to justify' the 'market tax which is imposed upon produce not intended for consumption in the Municipality'⁴³. This tax, he believed, was 'for the exclusive benefit of householders in Cape Town, who would otherwise be obliged to pay an increased annual rate upon their properties to maintain the municipal revenues to the extent required'⁴⁴. Montagu hoped that the municipality, having appealed against the stamp duties, would 'act consistently and repeal these market dues'. It was a warning of what was to follow, for in April 1846 Montagu struck back at the municipality when he introduced the first of his market relief bills⁴⁵.

Montagu's comments about the market regulations, meanwhile, were the topic of discussion at a meeting of the wardmasters on 10 February 1845⁴⁶. Wardmaster A.S. Robertson acknowledged that Montagu was 'by far the ablest and most industrious man' to hold the position of Secretary to Government, but believed that Montagu's views were ill-founded⁴⁷. The market dues, noted Robertson, were put to good use in keeping in repair the market and the roads leading to it. Several other wardmasters pointed out that it was the purchaser who actually paid them. Most farmers, insisted the wardmasters, were satisfied with the market system introduced by the municipality⁴⁹, whereas

43. CTM, 1 February 1845. Montagu illustrated his point by referring to 'wool, hides and other produce' intended for 'shipment', i.e. export.

44. Ibid.

45. LCA 3, p.83. 24 April 1846.

46. CTM, 15 February 1845. The following section is based on this verbatim report.

47. Robertson declared that Montagu was not 'very well informed as to the circumstances of the colony' because of his 'trusting to the well-paid men about him'.

48. Although the dues were collected from the farmer, they were passed on to the consumer through the selling price.

49. See above, Chapter III, pp.88-92.

formerly they had been 'out-done in every way'. Robertson conceded, however, that the municipality was in error in imposing a duty on 'fine' wool, since it was 'all shipped to England'. Yet the merchants were not the only ones to be considered, for many of Cape Town's consumers found the market to be 'inconvenient both as regards place and time [sic]',⁵⁰. Some of the farmers, too, were suffering the ruinous effects of bad harvests and drought⁵¹. Clearly, the market system required revision, and later in the year the wardmasters called on the commissioners 'to examine into the working of the market dues, and to make such alterations as circumstances may require'⁵².

Accordingly, the commissioners appointed a special committee to investigate the matter. The amended market tariff proposed by this committee, and adopted by the commissioners on 5 November 1845⁵³, was intended to forestall any action by Montagu, for the dues on articles destined for export were 'in some cases reduced, in others wholly abolished'⁵⁴. However, this tactic failed, for a petition to the Governor and Legislative Council from the 'landowners and agriculturists' of Swellendam⁵⁵ provided Montagu with fresh ammunition to use against the municipality. The petitioners, who included three of Cape Town's élite merchants⁵⁶, stated that 'much dissatisfaction prevails in the Agricultural

50. David Buchanan proposed that the market should be located more centrally (for example, in Caledon Square) and held at more 'convenient' hours. This would enable consumers to buy directly from the farmers, instead of having to depend on Malay tradesmen, who made a profit of 200 per cent from selling fruit and vegetables.
51. ZA, 21 October 1845. Memorial of Inhabitants of Koeberg, Paardeberg, Tygerberg, etc., presented in the Legislative Council on 16 October.
52. 3/CT 1/2/1/2 (MW), p.163. 21 October 1845.
53. CTM, 8 November 1845.
54. Ibid. Report of the special committee. These alterations, it claimed, were prompted by the desire 'not to check' the export trade passing through Table Bay. The market due on wool - the main source of grievance - was reduced from 1/6 to 6d per 100 lbs.
55. Published in ZA, 14 November 1845.
56. H. Watson, W. Billingsley and R. Dobie (partner of R.W. Eaton): Ibid.

community' regarding the 'high scale' of market dues on country produce. The annual income from the Cape Town market was 'nearly £6 000', they claimed, but the market expenses were less than £600 a year. The memorialists therefore requested the government to adopt such measures as would relieve them from the 'exactions' of the 'oppressive and indefensible' market dues.

The Swellendam petitioners, it seems, were exaggerating. Discontent with the market duties was not as prevalent as they implied, for some farmers were grateful to the municipality for proposing to reduce certain dues⁵⁷. The statistics quoted by the petitioners with regard to market income and expenditure were also questionable⁵⁸. The petition, in fact, did not represent the agricultural community as a whole, but an élite group of prosperous wool farmers and landowners, including members of the influential Cloete, van der Byl, van Reenen and van Breda families of old Dutch stock⁵⁹. Nevertheless, it provided the colonial government with an excuse to interfere with the market regulations. When Montagu presented the petition in the Legislative Council on 4 December, he reiterated his intention 'to propose a measure relieving goods in transitu from Market dues'⁶⁰. Hamilton Ross, however, cautioned against such intervention, noting that the municipality was in the process of 'making a change' in the market duties⁶¹. He was wasting his breath; Montagu was adamant about pressing ahead with his market bill.

57. The corn farmers of Koeberg and Tygerberg wrote to thank the commissioners for the proposed reductions, although they opposed the levying of a 'percentage due' on grain: ZA, 21 November 1845.
58. Market revenue in the years 1842 to 1844 averaged at £5 200 a year: GG, 27 January 1843, 9 February 1844 and 14 March 1845 (Statements of Account). Wardmaster A.S. Robertson calculated from official returns that the average annual expenditure on the market in these years was £992: CTM, 15 February 1845.
59. Analysis of signatures to petition: ZA, 14 November 1845. The Barry brothers, John and Thomas, also signed.
60. CTM, 6 December 1845. Montagu had first announced his plan in the Legislative Council on 13 November.
61. Ibid.

To the commissioners and wardmasters, who had met in common assembly on 1 December, it appeared from Montagu's 'arbitrary manner' in dealing with the municipality, that 'he has something sticking in his gizzard against us'⁶². He had patently disregarded the 'good faith' shown by the municipality in revising the market tariffs, choosing instead 'to hold a rod in terrorem over our heads'. For its part, the municipality was determined to repel any attempt by the Legislative Council to 'violate' the rights and privileges bestowed upon it by Ordinance No. 1 of 1840⁶³. Since the unofficial members of this council were merely 'the nominees of the Government - not our representatives', it was argued, any interference in the matter of taxation which occurred 'without our consent' was 'unconstitutional'. Yet the impending clash over the market regulations was more than 'a struggle for the maintenance of [the colonists'] civil rights'⁶⁴, for the question of municipal income continued to obsess the commissioners and wardmasters. 'If it were not for the market dues', observed Wardmaster A.S. Robertson, 'a large portion of the people in this town would contribute nothing towards the municipal revenue'. The resistance of the municipality to the suspension of the market dues stemmed essentially from the constant resolve of the proprietors of Cape Town to maintain the tax on their property at a minimum. The market duties formed part of this scheme in that they amounted to an indirect tax on the public in general, and helped to fill the municipal coffers without burdening the proprietors in particular.

Two days later a municipal deputation presented a petition to the Governor, Sir Peregrine Maitland, praying him 'to prevent any encroachment upon the chartered rights and privileges granted by Her Majesty to this Municipality'⁶⁵.

62. CTM, 6 December 1845. The following section is based on this verbatim report.

63. Ord. No. 1 of 1840 created the machinery for the municipal government of Cape Town. See Introduction.

64. ZA, 9 December 1845. Editorial.

65. CTM, 6 December 1845.

Maitland, however, pointed out that the Legislative Council was empowered to alter or to repeal any ordinance which it had previously passed⁶⁶. The implication was that Montagu was legally justified, at least, in calling for a revision of the market system⁶⁷. Consequently, on 24 April 1846, Montagu, in his private capacity, introduced the first of his market bills. It proposed to repeal Section 133 of the Cape Town market regulations, which imposed a fine on every person selling any country produce brought into the town without having passed the market. In compensation to the municipality, the bill also provided for a tax to be levied on vehicles and livestock entering its streets⁶⁸. Montagu explained that as he had experienced considerable difficulty in distinguishing 'such articles as were intended for exportation from those intended for consumption', he had deemed it better 'to relieve the farmers altogether from the necessity of taking their produce through the market'. His object, Montagu insisted, was 'to get rid of the compulsory principle', which the farmers found to be oppressive, and not 'to interfere with the revenue the market yields the municipality'⁶⁹.

The market bill was criticised by the Zuid-Afrikaan for attempting to 'upset' the improvements made by the amended market tariffs, which had already been approved by the Governor⁷⁰, and against which, professed the editor, 'not a single complaint has since been raised, either by Farmer or Townsman'⁷¹. The municipal commissioners, indeed, had made it possible to relieve the farmers of having to

66. Ibid. The Attorney-General concurred, stating that the Legislative Council 'possesses by law, the power of repealing its own Ordinances': CTM, 6 November 1847.

67. The market regulations existed by virtue of the authority granted to the commissioners by Ord. No. 1 of 1840.

68. LCA 17, item 27. Also published in CTM, 2 May 1846.

69. CTM, 2 May 1846.

70. Government Proclamation, dated 6 March, 1846: CTM, 14 March 1846.

71. ZA, 27 April 1846.

pay the market dues: the market officers had been instructed to stipulate before each sale that the dues 'which are in the first instance to be paid by the Seller, shall be returned by the Purchaser ... to the Seller'⁷². Ignoring Montagu's proposed measure, the municipality quietly continued with its efforts to reform the market system⁷³.

In the meantime, the second reading of the market bill was deferred owing to the outbreak of the War of the Axe (1846 - 1847)⁷⁴. But it was 'among the first of the Public measures' to which Sir Henry Pottinger gave his attention, upon his arrival at the Cape in January 1847. Pottinger resolved to convert the bill, which applied only to Cape Town, into a 'Government measure' affecting the whole colony⁷⁵. In February 1847 the colonial government gave notice that it would introduce a new bill to amend the market regulations of all municipalities, which contained 'objectionable' clauses compelling the seller to pass produce through the market⁷⁶. In response, the Municipality of Cape Town appointed a special committee to inquire into the expediency of amending Section 133 of its market regulations⁷⁷, the offending clause in question. The Cape Town Mail deplored the government's move as a 'vexatious interference with the chartered rights' conferred upon the municipality, fearing that it would lead to 'a material increase being made to the burdens already borne by the

72. 3/CT 1/1/1/10 (MC), p.72. 18 March 1846.

73. On 4 February 1846 the commissioners had appointed a committee to examine the expediency of levying ad valorem market dues on colonial produce: Ibid., p.36.

74. J.J. Breitenbach incorrectly claims that Montagu's first market bill was brought up for its second reading on 11 September 1847: 'Montagu', p.203. In fact, on this date Montagu introduced a fresh bill which applied to all municipalities in the Cape: LCA 20, item 33.

75. Pottinger to Grey, 6 December 1847: GH 23/17, pp.291-309. Despatch No. 212, forwarding the final market relief ordinance.

76. GG, 18 February 1847. Government Notice, dated 10 February 1847. Such compulsory regulations, it declared, were 'opposed to a free internal trade in the products of a country ...'.

77. 3/CT 1/1/1/10 (MC), p.445. 10 March 1847.

owners of landed property in this town'⁷⁸. The editor was aptly reflecting the sentiments of the municipality.

It took over five months for the municipal Special Committee to complete its investigation into the market regulations⁷⁹, during the course of which it interviewed a number of local tradesmen and merchants⁸⁰, and received two memorials signed, in total, by 373 farmers⁸¹. The committee reported that 'the system as established by the present Market Regulations, meets general approbation'⁸², but that there were certain objections - some farmers disliked being compelled to put their produce for 'public competition'; although 'the justice of levying a market due it not doubted by any of the witnesses', some felt that the market tariffs were too high, particularly where they applied to articles of export, such as wool and wheat⁸⁵. In dealing with these complaints, the committee advised that Section 133 be altered to allow those parties wishing to pass the market to be at liberty to do so, 'on condition that they pay the market dues to the registrar'⁸⁴. However, the committee could not recommend any reductions in the market tariffs on the grounds that for a small charge, on average only 2½ per cent of the value of produce, the sellers benefited from an efficient market, good streets, the protection of the police and other advantages such as the use of the town's pasturage and water supply. The dues on wool and wheat, the committee recalled, had been 'considerably

78. CTM, 13 February 1847.

79. Report, dated 28 August 1847: University of the Witwatersrand Library, pamphlet HF 5475. (The report was printed by the Zuid-Afrikaan office, Cape Town.)

80. Ibid., pp.12-24. The 31 persons who gave evidence included farmers' agents, general dealers, a wine merchant, a miller, a butcher, and two élite merchants, G.W. Prince and J. Letterstedt, as well as several farmers.

81. Ibid., pp.25-32.

82. Ibid., p.1.

83. Ibid., pp. 2, 5 and 8.

84. Ibid., p.2.

reduced' within the previous 12 months⁸⁵. In sum, while the commissioners and wardmasters were willing to abandon the compulsory principle under which all farmers were forced to offer their produce for sale at the market, they were not prepared to make any further pecuniary concessions that would reduce the municipal income.

Shortly after the submission of the market report to the Board of Commissioners⁸⁶, the colonial government, in fulfilment of its earlier notice, produced a new market relief bill⁸⁷. At its second reading in the Legislative Council on 26 October, 1847, J.B. Ebdon presented the petition from the Municipality of Cape Town⁸⁸. Once again the municipality protested against the interference of the colonial legislature with its corporate rights⁸⁹, declaring that such intervention was unnecessary in view of the recommendations contained in the report of its market committee, and subsequently adopted⁹⁰. Ebdon also submitted a petition from 'the owners of Landed Property' in Cape Town, which embodied the resolutions approved at a public meeting held at the Town Hall on 11 September, and dominated entirely by the leading figures of the municipality⁹¹. The petitioners maintained that a moderate market due was 'fair and reasonable', for it paid the

85. Ibid., pp. 6 and 8. See above, p.177. The due on wool was now only one per cent of its sale value and on wheat, a mere one-half per cent.
86. 3/CT 1/1/1/11 (MC), pp.148-149. 1 September 1847. Copies of the report were later forwarded to the members of the Legislative Council, 'for their information': Ibid., p.165. 22 September 1847.
87. Introduced in the Legislative Council on 11 September 1847: CTM, 25 September 1847.
88. CTM, 30 October 1847.
89. Two legal opinions stating that any interference by the colonial government in the rights of the municipality was unconstitutional and a 'breach of faith' accompanied this petition: Ibid.; see also LCA 20, item 28.
90. Ibid. See also LCA 20, item 28.
91. CTM, 16 October 1847. All of the resolutions had been sponsored by municipal men, including J.H. Hofmeyr, O.M. Bergh, F.H. Kunhardt, B. Norden, J.A.H. Wicht, O.J. Truter, H. Sherman, J.H. Wicht, A. Carstens and A.S. Robertson.

expenses of keeping in repair the streets which were 'principally cut up by wagons bringing produce from the country'. It was also 'the best means of indirectly taxing those who do not possess any landed property'. The loss of this revenue, they demurred, would have to 'be made good' by the proprietors⁹².

These petitions were the focus of attack in the four-hour speech delivered by Montagu in defence of the bill⁹³. The farmers, in general, he asserted, favoured the measure⁹⁴; the only opposition to it 'throughout the whole colony', was from the Cape Town Municipality and 'a few landowners ... who have a pecuniary interest in preserving the compulsory clauses' of the market regulations. Montagu dismissed all allegations that the colonial government was acting unconstitutionally, by proving that there was ample legal precedence for the repeal of measures which it had originally instituted⁹⁵. As for Cape Town's market regulations, the Secretary to Government argued that they were authorised in terms of Section 58 of Ordinance No. 1 of 1840, which empowered the commissioners to frame strictly such regulations as were necessary 'for ensuring order and cleanliness' within the market. Through an 'oversight' in the approval of these regulations, the municipality had been enabled to impose market dues 'to ten times the amount required for the market establishment expenses'⁹⁶. The market tax was thus tantamount to 'a bonus on the immovable property' of Cape Town (the legitimate source of municipal revenue); it was also 'an indiscriminate tax' on all produce, 'whether sold or not sold', brought

92. *Ibid.* See also LCA 20, item 29. Memorial signed by 310 persons.

93. The following paragraphs are drawn from the verbatim report in *CTM*, 6 November 1847.

94. Montagu had presented petitions in favour of the bill signed by 1 173 farmers.

95. Montagu pointedly noted that the Cape Town municipal ordinance of 1840 was legal only because the earlier ordinance of 1839 had been repealed.

96. Montagu quoted official municipal records to show that in the years 1840-1846 the municipality had received over £34 000 from market dues, but had expended only about £4 200 for market purposes.

to the market.

Montagu also rejected the complaint that 'the fixed property is already overburdened, and will not bear an increased rate'. Quoting from municipal returns, the Secretary demonstrated that the property in Cape Town was arguably undervalued to the extent of 60 or 70 per cent. In his view, the house rate could easily be doubled⁹⁷. Montagu thus regarded the opposition from the municipality and the proprietors of Cape Town to the market bill as a devious ploy to safeguard the 'illegal' excess income that had been derived from the market. He remained convinced that the compulsory principle should be revoked, in order to guarantee 'the unrestricted operation of a free trade in provisions'.

The Attorney-General, William Porter, was prepared to support the market relief bill because of 'the principle of freedom upon which it rests'⁹⁸. But he accused Montagu of being 'rash and inconsiderate' in charging that the market regulations had been a 'mistake and oversight in point of law'. They were authorised, Porter contended, under Section 18 of the Cape Town municipal ordinance, which allowed for regulations embracing 'all and every purpose of general utility'. A public market, he believed, was conducive to general utility, and the market regulations had originally been passed after much 'attentive and anxious consideration'⁹⁹. Porter agreed that the market dues had superseded 'the necessity of increased taxation upon

97. Montagu based his calculations on the principle for the valuation of fixed property adopted in March 1846 for the purposes of the road tax: the absolute value of property was taken as twelve times the amount of the annual rent. His observations reveal that in Cape Town there was a large discrepancy between the high scales of rent and the fairly low value of property, as assessed by the municipality for rates.

98. CTM, 13 November 1847. The following section is based on this report of Porter's address in the Legislative Council on 27 October, 1847. Porter had rushed back to Cape Town for the sitting of the council, riding 170 miles without intermission.

99. See above, Chapter III, pp.88-92.

fixed property', but he understood 'how depreciated all fixed property' had become. 'My wonder is not that the commissioners should have collected so much money', stated Porter, 'but that with so little money they should have done so much good'¹⁰⁰. Unlike Montagu, Porter showed a degree of sympathy for the difficulties faced by those proprietors of Cape Town whose cause was upheld by the municipality.

Although the municipality, in a final appeal to the Legislative Council, reiterated its solemn protest against the infringement of its civic rights¹⁰¹, the bill was finally passed on 29 October 1847¹⁰². The commissioners retaliated by dismissing the market master and several other market officials¹⁰³. Montagu, in turn, reminded them that the services of the market master were indispensable to the operation of public sales, and warned that the government would take whatever steps were necessary to ensure the proper management of the market¹⁰⁴. The municipality then refused to correspond any further with Montagu¹⁰⁵, and in a letter addressed directly to the Governor, condemned Montagu as a 'fearful enemy' who sought to destroy its 'acquired liberties'¹⁰⁶. At the same time, the commissioners and wardmasters unanimously approved a petition to the Queen¹⁰⁷, praying her not to sanction the market relief ordinance, 'in as far as the Cape Town Municipality is concerned', and to allow no

100. Porter praised the municipality for its 'honest, assiduous and most beneficial expenditure of every penny raised from every source'.

101. CTM, 30 October 1847.

102. LCA 3, pp.251-252. It became Ordinance No. 20 of 1847.

103. Meeting of 10 November 1847: CTM, 13 November 1847.

104. Montagu to Municipality, 25 November 1847: GH 28/41. Enclosures to Despatch No. 33 (Smith to Grey, 11 March 1848: GH 23/18, p.82).

105. Municipality to Montagu, 1 December 1847: Ibid.

106. The contents of this letter were quoted by Montagu in his memorandum to the Governor, 3 December 1847, in which he replied to its allegations: Ibid.

107. Joint meeting of 17 November 1847: CTM, 20 November 1847.



Harry Smith
Commander

By Order of the Secretary of War
SIR HARRY SMITH, BART, G.C.B., G.C.M.G., G.C.S.I., G.C.M.S., G.C.M.A., G.C.M.F., G.C.M.E., G.C.M.D., G.C.M.C., G.C.M.S., G.C.M.A., G.C.M.F., G.C.M.E., G.C.M.D., G.C.M.C.

SIR HARRY SMITH, CAPE GOVERNOR 1847-1852

Source: Cape Archives, M506

alteration to be made to the 1840 municipal ordinance, unless expressly ratified by an Order-in-Council. The Legislative Council, they noted, neither represented public opinion, nor afforded 'a sufficient check against any undue influence being exercised, to the detriment of every corporate institution, and [of] the Colony at large'¹⁰⁸. In conclusion, the crisis over the market bills was exploited for political purposes too. It gave the municipality a fresh opportunity to contest the merits of conciliar rule, while hinting at the need for representative government. That this was its intention appears to be confirmed by the remarks made by one of the more prominent municipal commissioners, J.M. Maynard, when addressing a 'crowded' meeting of 'landed proprietors' at the Town Hall on 29 November 1847¹⁰⁹. He ridiculed the members of the Legislative Council as 'a mere set of automatons' who 'nod, or sit still, just as the Governor chooses to pull the string'. The colonists should unite, appealed Maynard, in endeavouring 'to get this Council altered'¹¹⁰.

Meanwhile, relations between the municipality and the colonial government had reached their lowest ebb. It was left to Sir Harry Smith, on arriving at the Cape in December 1847, to repair them. The new governor upbraided the commissioners for their lack of respect towards the dignity of Montagu's office, trusting that they would withdraw their offensive letter¹¹¹. Smith advised them, moreover, that he would support the market relief bill, since 'the system of Free Trade has worked so advantageously'. But in a conciliatory gesture, he invited them to state

108. Petition published in CTM, 27 November 1847.

109. CTM, 4 December 1847. The meeting had been called to determine what steps should be taken in consequence of the passing of the market relief ordinance. The proprietors joined the municipality in petitioning the queen not to sanction the measure.

110. Ibid. One of the speakers had even proposed that the petition 'should embrace a prayer for a representative Government', but it had been decided to keep this as a separate object.

111. Smith to Municipality, 4 December 1847: GH 28/41 (Enclosures to Despatch No. 33).

whether or not the municipality would claim compensation for the losses it might sustain¹¹². The commissioners consented to withdraw their letter, but informed the Governor that they would not moot the subject of compensation, unless the Queen refused the prayer of their petition¹¹³. In the end, the market relief ordinance received royal confirmation, and the Secretary of State, Earl Grey, vaguely instructed Smith that proposals to compensate the municipality 'should be considered by the local authorities on their own merits'¹¹⁴. Faced with the loss of considerable funds from the market¹¹⁵, the municipality was now forced to devise new means of supplementing its income.

In seeking to resolve the problem of revenue, the municipality again came into conflict with the colonial government. Early in 1849 the commissioners framed new municipal regulations¹¹⁶, which required every owner of 'any vehicle, horse, or other animal' entering Cape Town to purchase a licence¹¹⁷. Although they were approved by the wardmasters¹¹⁸, these regulations were disallowed by the Governor¹¹⁹. Furious that their plan to redeem 'the deficiency in the Town Revenue occasioned by the loss in the Market receipts' had been blocked, the commissioners demanded to know on what grounds the regulations had been vetoed¹²⁰. In reply, the government stated that it could

112. Ibid.

113. Municipality to Smith, 7 December 1847: Ibid.

114. Grey to Smith, 6 April 1848: 1/192, pp.79-81 (Despatch No. 111).

115. In February 1848 the wardmasters resolved that the sum of £3 500 'be placed upon the Estimate as the probable loss' to the municipality, in consequence of the passing of the market relief ordinance: 3/CT 1/2/1/2 (MW), p.250. 14 February 1848.

116. 3/CT 1/1/1/12 (MC), pp.277-279. The regulations were discussed on 15 January and approved on 7 February 1849.

117. GG, 8 February 1849. Municipal Notice.

118. 3/CT 1/2/1/2 (MW), pp.296-299, 12 March 1849. The wardmasters made some minor amendments to the tariff of licence fees.

119. Montagu to Municipality, 4 April 1849: 3/CT 1/1/5/35, App. No. 315.

120. 3/CT 1/1/1/12 (MC), p.365. 18 April 1849. Draft letter to Governor read and approved.

not permit 'a novel system of Municipal taxation' which was not in 'the interests of the Public at large'. Any charges which were 'obviously for the purpose of revenue' could only be decided upon by the Legislative Council¹²¹. Frustrated by the continual impediments thrown by the colonial government in the path of its financial ambitions, the municipality then chose to revive the long-standing dispute over its contribution to the expenses of the police establishment.

In June 1843, when the issue of municipal taxation of crown property had been finally settled, it was agreed that the municipality should pay one-half of the costs incurred for the upkeep of the Cape Town police¹²². With the commissioners determined not to pay a farthing more than their agreed share, the matter had been the source of minor disagreements on several occasions¹²³. It came to a head in 1850, when the commissioners again protested that the municipality had been overcharged in its police account¹²⁴. Since the passing of the market relief bill had reduced the municipal income, the commissioners demanded the right to assess government property for house and water rates. Responding to these charges in the Executive Council on 6 May 1850, Montagu advised that a deduction for the overcharges should be allowed, but he forcefully rejected the claim to tax crown property. The market ordinance, he

121. Montagu to Municipality, 21 April 1849: 3/CT 1/1/5/35, App. No. 378. Montagu also stated that usually the Governor was not bound to give reasons for his veto.

122. See above, Chapter III, p.115.

123. In 1844 the commissioners refused to pay for items listed under 'Stationery and Bookbinding' and 'repairs to the Station House': 3/CT 1/1/1/8 (MC), pp.181-182, 13 November 1844. Again in 1846 the municipality withheld the £590 it claimed had been paid 'above its Just Liability': 3/CT 1/1/1/10 (MC), p.51, 18 February 1846. In 1847 the municipality protested that its contribution was excessive, in view of considerable expense it bore in lighting the streets with gas, to the advantage of the police. Petition to Legislative Council, 11 September 1847: LCA 20, item 14; draft published in CTM, 14 August 1847.

124. The following section is based on Breitenbach, 'Montagu', pp.202-203.

argued, had merely annulled a municipal bye-law, leaving unaltered all other legal provisions with regard to the powers of the municipality. In short, a second attempt by the municipality to pass part of the burden of taxation on to the shoulders of the colonial government had been defeated.

While the municipality smarted from the blow it had received with the passing of the market relief ordinance, another move by the colonial government strained relations almost to breaking point. At the end of April 1848, the Central Roads Board published a report recommending the renewal of its powers of taxation¹²⁵, which were originally authorised in Montagu's 1843 public roads ordinance¹²⁶. The Cape Town Mail noted that the 975 'unlucky' landed proprietors, who together owned the 5 000 odd houses, stores and gardens in Cape Town, would again have to pay a road tax. Moreover, they would be responsible for fully one-fourth of the whole amount raised throughout the colony¹²⁷. In response, the municipality summoned the proprietors of Cape Town to a meeting which was held in the Town House on 8 May 1848¹²⁸. Most of the speakers were from the ranks of the municipal commissioners¹²⁹. Indeed, the arguments put forward at this meeting were later regarded, during a debate in the Legislative Council, as reflecting 'the case of the municipality'¹³⁰. More generally, they were the views of the rising commercial class represented by the municipality.

125. CTM, 6 May 1848.

126. See above, Chapter IV, p.142. The Roads Board had been empowered in 1843 to impose only three rates.

127. CTM, 6 May 1848. The total population was stated to be '27 000 souls'.

128. CTM, 13 May 1848.

129. They included O.J. Truter, M. Thalwitzer, H.C. Jarvis, O.M. Bergh, J.H. Wicht and B. Norden: Ibid.

130. CTM, 8 July, 1848. Phrase used by the Attorney-General, Porter, during the debate on 27 June 1848. See below, pp.192-193.

The proprietors of Cape Town recognised the advantages derived from the improvement of the colony's public roads: transport was facilitated, linking the Eastern and Western divisions; the interior was opened up to cultivation, further extending 'our means of export'¹³¹. But contrary to all expectations¹³², the road tax, they asserted, had caused landed property to suffer 'a still further depreciation [sic]'. The road rates, they believed, should be an 'equal burthen to the Community at large', and not confined 'to any particular class thereof'. Repeating a long held grievance¹³³, they protested that while the contribution of the 'landowners' of Cape Town towards the roads fund 'considerably' exceeded that of any other division, within the municipality there were main roads upon which 'not a penny' had been expended by the Roads Board. At the same time, the residents of Cape Town had to pay for the maintenance of their own streets, in the form of municipal rates. It was therefore proposed that, in lieu of any road taxes, the municipality should contribute £2 000 per annum, on behalf of the inhabitants of the city.

The deep resentment provoked by the government's handling of the issue of the market dues also persisted amongst the proprietors allied to the municipality, for the meeting was utilised to direct fresh criticism against the existing political system. The colonial legislature was denounced as Montagu's 'pet council, who, like drilled men, must bow to whatever he proposes'. Moreover, the Secretary to Government, the proprietors believed, was motivated by a 'spiteful feeling' against them¹³⁴. The unofficial

131. The following section is based on the verbatim account in CTM, 13 May 1848.

132. See above, Chapter IV, p.143.

133. At the municipal meeting held on 6 January 1845 it was observed that inhabitants of Cape Town were paying 'more than their just share of the public burthens': CTM, 11 January 1845.

134. 'When our petitions come to be presented', remarked J.H. Wicht, 'you will see the honourable Secretary curling up his lip with dislike, while he munches his sandwiches as if to show his contempt for them ...': CTM, 13 May 1848.

members of the Legislative Council, too, were harshly censured. 'It is only when their own interests are touched', declared one speaker, 'that they will stir, and, then they will make long speeches and print blue books'. Another contended that the unofficial members were willing to discuss only 'their own private matters'. What the meeting confirmed, thus, was the growing disenchantment of the rising commercial class with a political order which increasingly failed to attend to its interests. 'We have nothing to hope from the Council as it now exists', concluded J.H. Wicht; it should, he urged, be 'remodelled'.

A memorial containing the resolutions adopted at the meeting of the proprietors of Cape Town¹³⁵ was presented in the Legislative Council on 23 June¹³⁶, shortly after the government had introduced its road amendment bill¹³⁷. The bill proposed to authorise the Central Roads Board to impose additional rates on immovable property, for the purpose of 'completing the main roads of the colony'¹³⁸. Montagu vehemently disagreed with the views of the petitioners. An examination of recent sales of fixed property, he argued, showed a small advance instead of a depreciation in its value, thanks to better roads. The Municipality of Cape Town, insisted the Secretary to Government, could not be exempted from the road tax, nor could it expect the Roads Board to repair the town's main roads, since it earned ample revenue from 'market rates, shambles and other sources'¹³⁹.

The debate over the road tax was resumed during the second

135. LCA 21, item 20. Memorial of the 'Land-Owners within the Municipality of Cape', dated 31 May 1848 and signed by 578 persons.

136. LCA 3, p.308.

137. *Ibid.*, p.304. 30 May 1848.

138. LCA 21, item 46.

139. *CTM*, 8 July 1848. Montagu's views as summarised later by the Attorney-General.

reading of the bill in the Legislative Council on 27 June¹⁴⁰. J.B. Ebden, hoping, apparently, to dispel the impression that he was influenced by any 'party feeling'¹⁴¹, upheld the contention that the road tax had had the effect of reducing the value of fixed property. The power of the Road Board to levy rates in opposition to the wishes of the rate payers 'who have no voice either in their imposition or appropriation', Ebden averred, had produced 'deep and general discontent throughout the colony'. The municipal cause also received a sympathetic hearing from the Attorney-General¹⁴². Porter failed to see why 'the existence of a revenue derived from market duties, paid principally by the town itself' should be a reason for denying Cape Town a 'share in the expenditure of the road rates, so far as its main roads are concerned'. All of this, of course, was to no avail for the bill had already passed the committee stage, after which no alteration could be made to its provisions. This was made perfectly clear when Sir Harry Smith peremptorily dismissed the request from Ebden and Hendrik Cloete to consider the bill an 'open question'¹⁴³.

The next day the issue of the road tax was addressed by the municipal commissioners at their weekly meeting. They had received a letter from certain residents requesting the municipality to submit to the colonial government the inexpediency of continuing the 'onerous' taxes on fixed property¹⁴⁴. However, the commissioners resolved that

140. The following section is based on the verbatim report in CTM, 8 July 1848.

141. Ebden, as one of the most prominent and long-serving unofficial members of the Legislative Council, had been implicated in the disparaging remarks made at the meeting of proprietors on 8 May 1848.

142. Porter remarked that he had 'spoken with kindness' of the municipality because it was 'politic to do so'.

143. Smith declared, 'When I have once given my opinion, no power shall persuade me to swerve from what I feel in my heart to be the proper course.' He intended to 'adhere firmly to the principle of the bill'.

144. C. Marais and others to Municipality, 26 June 1848: 3/CT 1/1/5/31, App. No. 695.

in consequence of the 'utter disregard' shown by the Legislative Council to the petition of 'a large majority of the landowners in this City', no further petitions should be presented to it before the municipality appealed for redress 'from a higher quarter'¹⁴⁵. The outcome was yet another petition to the Queen, reiterating the complaints of the 'landowners' and praying that the road amendment bill, which had subsequently been passed¹⁴⁶, would not receive royal assent. Alluding to John Montagu, the commissioners accused him of seeking 'to apply his utmost ingenuity to misrepresent the facts, Arguments, and proceedings of the Landowners and your Petitioners ...'¹⁴⁷. It was a bold statement of their mounting dissatisfaction with conciliar government.

In the same petition, the commissioners also took the opportunity to restate their opposition to the grants for ecclesiastical purposes proposed in the colonial estimates of expenditure for 1849¹⁴⁸. They objected, in particular, to the travelling expenses awarded to the Anglican Bishop of Cape Town, and to the salary created for an Archdeacon for Grahamstown¹⁴⁹. The Episcopal Church, complained the commissioners, had been 'privileged to a much greater extent' than any other church, while its members were 'much more able to contribute than others, holding as they do the most lucrative employment within the colony'¹⁵⁰. Their stand in this case suggests that religious issues, too, could divide the predominantly Anglican mercantile élite

145. 3/CT 1/1/1/12 (MC), pp.97-98. 28 June 1848.

146. LCA 3, pp.327-328. 4 July 1848.

147. Petition of the Commissioners for the Municipality of Cape Town, 4 September 1848: GH 28/44. Enclosure to Despatch No. 189, October 1848.

148. The municipality had petitioned against the ecclesiastical grants in a memorial addressed to the Legislative Council, dated 21 June 1848: LCA 21, item 37.

149. These grants had been approved by the Legislative Council on 1 July 1848: LCA 3, p.333.

150. See footnote 147 above.

from the rising commercial class, whose loyalty lay more with the Dutch Reformed, Lutheran, and non-conformist churches¹⁵¹.

The redress for which the commissioners hoped was never to be obtained. Sir Harry Smith had advised the Secretary of State, Earl Grey, to confirm the road amendment ordinance. Past experience, Smith assured him, had proved the usefulness of the Roads Board in removing 'the barriers to Social intercourse and Commercial enterprise'. The public, he opined, 'might be said to be unanimous on the question' were it not for the 'single petition' against the bill, from the landowners of Cape Town¹⁵². When Smith later forwarded the petition of the municipality, he defended Montagu against the aspersions levelled against him by the commissioners. Montagu had given the 'most calm and deliberate attention' to the subject, and the Governor presumed that the commissioners had resorted to petitioning the Queen because they were 'disappointed' at Montagu's having 'detected and exposed the inaccuracies in their allegations'¹⁵³. In any event, the municipal petition arrived in London too late to receive Earl Grey's attention prior to confirming the ordinance¹⁵⁴. But Smith's perception of the situation at the Cape was dangerously out of touch with reality. Arrogantly convinced of the justice of official views, he underestimated both the force of public opinion in Cape Town, and the increasing unpopularity of the Legislative Council, symbolised, to its detractors, in the person of John Montagu.

The passing of the 1848 road bill simply intensified the

151. In their original petition to the Legislative Council, the commissioners had expressed the fear that these churches would regard the favouritism shown to the Anglican church as 'a great evil and Calamity': LCA 21, item 37.

152. Smith to Grey, 29 July 1848: GH 23/18, pp.238-239 (Despatch No. 135).

153. Smith to Grey, 30 October 1848: Ibid., pp.344-345 (Despatch No. 189).

154. Montagu to Municipality, 16 March 1849: 3/CT 1/1/5/35, App. No. 256.

discontent of Cape Town's rising commercial class. One of its leading figures, J.M. Maynard, expressed the general disgruntlement with the 'double burden' of the municipal rate and the road tax, which together amounted to two or three pence in the pound, 'a very serious charge upon property in these times'¹⁵⁵. At the same time, there was 'a vital spark' stirring in Cape Town. Antoine Chaunguion, the former professor of Classics at the South African College¹⁵⁶, rejoiced that 'the stagnation of the public mind' was at an end. 'We are no longer clods of clay, ready to receive and retain the impress of the leaden hand of power,' he warned. The day to fight for those privileges which were 'the inalienable property of every British subject', he predicted, was dawning¹⁵⁷. The advent of the anti-convict crisis and the contest over representative government were soon to prove him right.

155. CTM, 14 October 1848.

156. In 1842 Changuion had resigned from the College to open his own school in Strand Street. He was one of South Africa's most prominent educationists, 'learned, a fine orator, and esteemed by all', particularly by his Afrikaner contemporaries: DSAB, II, pp. 129 ff.

157. CTM, 13 May 1848. Speech made at the meeting of proprietors on 8 May 1848.

CHAPTER VI

THE ROLE OF THE MUNICIPALITY IN CAPE POLITICS,
1848 - 1853

Harbour schemes were a frequent topic of discussion in Cape Town after 1844, when John Montagu had proposed the construction of a breakwater for Table Bay¹. Maitland recommended the project to the colonial office and in reply the Secretary of State, William Gladstone, offered to advance the Cape a loan of £300 000 to finance it, recommending that convicts should furnish the labour². In December 1846 the Legislative Council passed a harbour ordinance³ in terms of which Cape Town's wharfage dues would be used to redeem the anticipated loan and to meet the costs of building the breakwater⁴. The scheme was welcomed by the Commercial Exchange⁵ and by the municipality, which hoped that it would result in a great increase in shipping, and thus in a further development of the 'internal resources' of the colony 'by the readier means ... afforded to find a market for Colonial produce'⁶. The commissioners and wardmasters noted, however, that while they were averse to the introduction of convicts 'for general purposes', they saw no objection to their employment in this particular undertaking, provided that the convicts were 'placed under proper restrictions and not liberated in this Colony'⁷. From the outset, then, the municipality, in keeping with

1. Breitenbach, 'Montagu', p.218. Motion unanimously carried in the Legislative Council on 27 June 1844.
2. J. Burman, The Bay of Storms. Table Bay 1503-1860. (Cape Town, 1976), pp.129-130.
3. LCA 3, p.149. Ordinance approved on 14 December 1846.
4. LCA 18, item 68 (Draft ordinance).
5. LCA 18, item 3. Memorial dated 26 August 1846, signed by the committee and 352 other inhabitants of Cape Town.
6. LCA 18, item 21. Memorial of the Municipality of Cape Town, 26 August 1846.
7. Ibid.

its previous opposition to the 1842 scheme to bring out juvenile convicts to the Cape⁸, made it clear that it would not tolerate any attempt to convert the colony into a penal settlement. At the same time, the commercial class represented by the municipality appeared to share a similar interest to the mercantile élite of the Commercial Exchange in harbour improvements, which would in general serve to stimulate trade and the exploitation of colonial resources.

The plans to develop Table Bay suffered a major setback when the (1846 harbour ordinance was rejected by the new Secretary of State, Earl Grey⁹, on the grounds that 'the present state of affairs at the Cape' was not favourable to its implementation¹⁰. In truth, Grey was not prepared to extend huge loans to the colony, suggesting instead that the Cape should finance the breakwater itself¹¹. This outcome held serious implications for colonial ventures in general, for the inadequacy of local financial resources had been exposed by the difficulties encountered by several joint stock companies. The Steam Navigation Company was insolvent¹², while the Wharf, Fishing, Whaling and Mail Coach companies, it was reported, had 'never been profitable to the shareholders'¹³). The Natal Cotton Company, established in 1847 and financed largely by élite merchants and men from the commercial class of Cape Town¹⁴, similarly met with little success. Within three years the company was forced to sell back to the government, at great loss, the

8. See above, Chapter IV, pp.134-136.
9. Grey to Pottinger, 10 May 1847: GH 1/183. Despatch 78.
10. Grey to Pottinger, 18 January 1847: GG, 26 May 1847.
11. Burman, Bay of Storms, p.131.
12. CTM, 11 January 1845.
13. ZA, 17 January 1845. Letter to Editor from 'PRO BONO PUBLICO'.
14. Only 500 shares were reserved for 'Natal and England'. The remaining 1 500 were taken by élite merchants such as H. Ross, J.B. Ebdon, A. Chiappini, Phillips & King and Prince, Collison & Co., together with leading figures from the commercial class such as J.H. Wicht, B. Norden, F.H. Kunhardt and L.P. Cauvin: GG 11 March 1847 (Supplement). Advertisement for 'Natal Joint Stock Company'.

25 000 acres of land that it had purchased in Natal¹⁵. One way to overcome the limitations of colonial capital was to seek fiscal backing from the Treasury in London. By removing this option, Grey left the colonists with only one alternative means to fund improvements - control of the colonial revenue. Public works might then be financed by the issue of state bonds¹⁶. It was in this way that the funds to construct a breakwater were later raised in 1860¹⁷. Meanwhile, to gain control over the colonial treasury it was necessary to acquire a decisive position of influence in the local legislature. This was a goal which the rising commercial class began to pursue energetically, aided and abetted by the municipality.

Despite the suspension of the 1846 harbour ordinance, the colonial government continued with its endeavours to ameliorate port facilities. In October 1847 a new ordinance was passed, authorising the appointment of boards of commissioners to supervise improvements to the ports and harbours of the colony¹⁸. The municipality also played a willing part, consenting to bear the costs of erecting a sea wall along Rogge Bay and agreeing to exchange the granary building for the town prison, which was to be demolished so that the Heerengracht could be opened to the sea¹⁹. In November 1847 the municipality, in a fit of anger over the market relief bill, withdrew its support

15. George, 'Ebden', pp.124-129. The company was paid £260 for the land, having expended £5 000 on the scheme.
16. Kirk, 'Self-government and self-defence', p.315.
17. Act No. 6 of 1860 authorised the sum of £200 000 to be raised upon the security or guarantee of the general revenue of the colony, through the issue of debentures (bearing an interest rate of 6%) in London: Statutes ... passed by the Second Parliament, 1859-63, pp.102-103.
18. Passed as Ord. 21 of 1847, on 29 October 1847: LCA 3, p.252. The improvements were to be financed by loans for which the government pledged the colonial revenue as surety: LCA 20, item 34 (Draft ordinance).
19. Municipality to Montagu, 11 August 1847: LCA 20, item 69.

for these schemes²⁰, but soon relented²¹. Indeed, there was much to be gained, for the municipal income might be increased through the sale of building allotments on land reclaimed from the sea²². Some commissioners even declared that they would gladly donate 'a hundred pounds out of their own pockets' towards the sea wall project²³. To accomplish these improvements another ordinance was passed²⁴ and a harbour board, dominated by élite merchants, was appointed²⁵. However, the harbour board suspended construction of the sea wall, in spite of protests from the municipality²⁶, and instead turned its attention to building additional landing facilities²⁷. (By 1850 the north wharf and the central jetty were completed, but these were relatively minor undertakings, financed from wharfage dues²⁸. Large-scale harbour improvements remained hampered by the lack of funds,) while the municipality, it seems, feared that the Legislative Council was yielding too much to the wishes of Cape Town's merchants²⁹.

Events took a new turn soon after the arrival of Sir Harry Smith. Anxious to proceed with the breakwater project, the Governor requested Earl Grey to provide the convicts promised earlier by Gladstone³⁰. Grey proposed to send

20. Municipality to Montagu, 10 November 1847: Ibid.
21. Municipality to Montagu, 22 November 1847: LCA 20, item 75.
22. Montagu to Municipality, 12 November 1847: published in CTM, 20 November 1847.
23. Testimony of Benjamin Norden at a public meeting: CTM, 4 November 1847. They refrained from doing so in protest against the government's interference with the market dues.
24. Ordinance 'for Improving the Port of Table Bay', passed on 8 January 1848: LCA 3, p.295 and LCA 21, item 2.
25. GG, 27 July 1848. The élite merchants were J.B. Ebden, W. Billingsley, J. Searight and John Stein.
26. Municipality to Smith, 29 June 1848: LCA 21, item 42.
27. Breitenbach, 'Montagu', p.220; Burman, Bay of Storms, p.132.
28. Almanac, 1853, pp.93-94.
29. Breitenbach, 'Montagu', p.220.
30. Smith to Grey, 8 May 1848: BPP 217, p.19.

out 'ticket of leave' prisoners who would be released in the colony as free men, once they had completed their sentences³¹. When Smith informed the Legislative Council of Grey's plans on 8 November 1848³², there was general consternation. A special meeting of the two boards of the municipality was promptly summoned by the commissioners³³. Days later 'one of the largest and most respectable public meetings ever held in Cape Town'³⁴ gathered at the Commercial Exchange on 18 November. Both élite merchants and men from the municipal party addressed the meeting³⁵. The introduction of vicious criminals, it was resolved, would be 'inexpressibly dangerous to life and property', would retard the 'improvement' of the labouring classes, and would 'stamp disgrace and degradation' upon the colony³⁶. The fears that had been aroused by the 1842 convict scheme had resurfaced. While the municipality shared both these fears and the determination of the colonists to resist the admission of convicts to the Cape, it also voiced dissatisfaction that was specifically political in nature. In the memorial to the Queen adopted at the special meeting of commissioners and wardmasters on 20 November, the municipality expressed deep regret that the British Government was attempting to act without reference to the wishes of the colonists³⁷.

The municipality henceforward assumed a central role in the campaign against the introduction of convicts. In March 1849 it was revealed that a ship had been chartered

31. Grey to Smith, 7 August 1848: Ibid., p.23.

32. CTM, 11 November 1848.

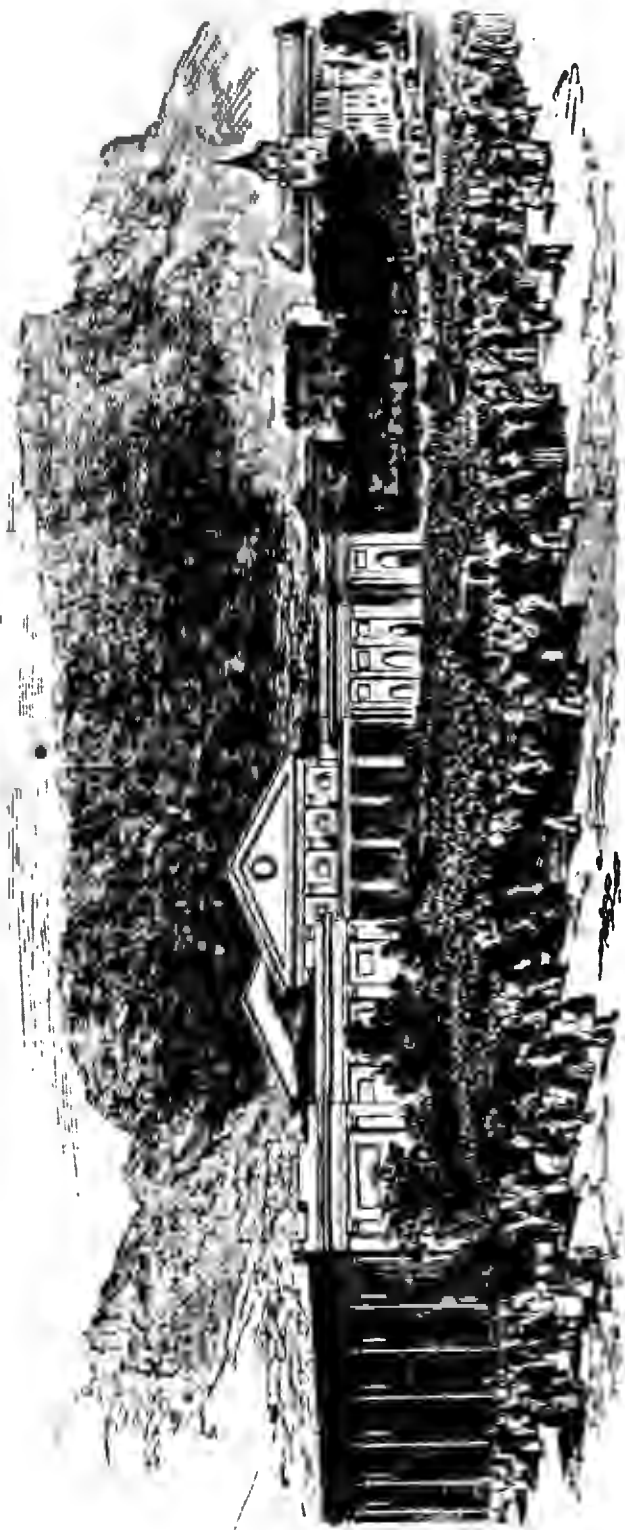
33. 3/CT 1/1/1/12 (MC), p.229. 15 November 1848.

34. SACA, 22 November 1848.

35. The élite merchants were T. Ansdell, John Stein, H. Rutherford and C.S. Pillans; the municipal spokesman was A.S. Robertson, while Thomas Sutherland also represented the commercial class allied to the municipality: CTM, 25 November 1848.

36. Ibid.

37. CTM, 25 November 1848; also BPP 217, p.27.



GREAT MEETING AT GATE TOWNS, TO OPPOSE THE INTRODUCTION OF COSTAHS INTO THE COLONY.

PUBLIC MEETING, MAY 1849

Source: Illustrated London News, Vol.15,
25 August 1849, p.132

to convey convicts to the Cape³⁸. Urged on by John Fairbairn³⁹, the municipality approached the colonial government for clarification of the situation⁴⁰. Montagu replied that while no official confirmation had yet been received by his office, 'a number of Exiles may shortly be expected to arrive in this colony'⁴¹. This news produced a fresh public outburst. On 5 April the colonists signed a pledge not to receive or to employ any convicts⁴², while another joint meeting of commissioners and wardmasters on 10 April produced a memorial to the Governor, requesting him not to permit any convicts to be landed⁴³. The anti-convict agitation gathered further momentum when a massive public meeting of five to seven thousand inhabitants was held on the Grand Parade on 19 May⁴⁴. The spirit of accord that prevailed at this meeting indicated 'a remarkable degree of co-operation' between English and Afrikaner⁴⁵. There was also a degree of political unity between the mercantile élite and the rising commercial class, for principal representatives of both were amongst the main speakers⁴⁶. However, a letter to the Cape Town Mail protesting that J.B. Ebden did not deserve to chair the meeting because he filled the 'unpopular position' of unofficial member of the Legislative Council⁴⁷ pointed to the growing displeasure with the existing political order.

38. SACA, 21 March 1848. Report based on a British newspaper.

39. Ibid.

40. Municipality to Montagu, 28 March 1849: published in CTM, 7 April 1849 and ZA, 9 April 1849.

41. Montagu to Municipality, 4 April 1849: 3/CT 1/1/5/35, App.No.315.

42. SACA, 11 April 1849. See illustration opposite p.210.

43. CTM, 14 April 1849. It was suggested that the convicts should be returned to Port Philip or sent to another penal settlement.

44. SACA, 23 May 1849. See illustration opposite.

45. H.C. Botha, John Fairbairn in South Africa, (Cape Town, 1984), p.203.

46. J.B. Ebden (in the chair) and G.W. Prince represented the mercantile élite; J.H. Wicht, J.J.L. Smuts and A.S. Robertson represented the commercial class allied to the municipality: SACA, 23 May 1849 and ZA, 21 May 1849.

47. CTM, 19 May 1849. Letter to Editor from 'One of the Public'.

This political discontent was also evident in the resolutions passed at the meeting, and later contained in a petition presented to the Governor⁴⁸. By abandoning the 1842 convict scheme in deference to the representations of the colonists, it was argued, the Queen had recognised their 'inherent right' to be consulted before such a measure as the introduction of convicts was finalised. Earl Grey, in trying to enforce his plans, had openly violated this right⁴⁹. While further petitions flooded in from religious institutions and rural and urban communities throughout the colony⁵⁰, a meeting at the Commercial Exchange on 31 May resulted in the formation of the Anti-Convict Committee⁵¹. The task of this body was to propagate and to co-ordinate public protest, chiefly through its committee of correspondence. Although the association was initially dominated by élite merchants, its membership also included several municipal commissioners from the mid-century period, and their political allies, John Fairbairn and F.S. Watermeyer⁵², editor of the Cape of Good Hope Observer which had been founded specifically to oppose Grey's convict scheme.

The municipality worked hand in glove with the Anti-Convict Committee. The use of the Town Hall was granted to the association for its meetings⁵³ and the wardmasters were later approached to assist in collecting subscriptions to

48. SACA, 26 May 1849. The petition was handed to Smith on 25 May by a delegation made up of J.B. Ebden, H.C. Jarvis and H.E. Rutherford.
49. CTM, 19 May 1849. Published resolutions.
50. BPP 1138, pp.8-38. From the end of May to the end of June 1849, forty-five petitions arrived at the colonial office in Cape Town.
51. Cape Archives, A 535, I, pp.1-4.
52. Ibid., pp.2-3. The élite merchants included J.B. Ebden (chairman), H. Ross, John Stein, T. Ansdell (of Searight & Co.), G. Thompson, H.E. Rutherford, A. McDonald, A. Chiappini and others; the municipal commissioners included H.C. Jarvis, O.J. Truter, J.H. Wicht and J.J.L. Smuts.
53. 3/CT 1/1/1/12 (MC), p.432. 17 June 1849.

the indemnity fund⁵⁴, established to compensate those persons who suffered pecuniary loss by adhering faithfully to the anti-convict pledge. Together with the association the municipality continued to apply pressure on the colonial government. On 15 June 1849 the municipality petitioned the Legislative Council to 'strengthen the hands' of the Governor 'for the purpose of refusing admittance to any convicts'⁵⁵. This tactic failed because the meeting of the council was side-tracked by the arrival of an Order-in-Council declaring the Cape a penal settlement. As William Porter explained, any measure of the Legislative Council in conflict with an Order-in-Council would be 'waste paper'⁵⁶. The municipality then suggested that the members of the Executive Council should prevail upon the Governor to determine not to receive or take charge of any convicts⁵⁷. This proposal, too, was disregarded, for Smith had resolved to detain the convicts pending further instructions from the Secretary to State⁵⁸. At the same time, the municipality, hoping to challenge the British authorities more directly, appealed to the people of the United Kingdom 'to join [its] efforts in aid of a righteous cause'⁵⁹. The commissioners, moreover, tried to circumvent the usual constitutional channels for redress by maintaining, through the intermediary of Harrison Watson⁶⁰, close links with Charles Adderley, the member of the House of Commons who championed the Cape's anti-convict cause. However, despite repeated applications from Adderley requesting

54. Secretary of the Anti-Convict Association to Municipality, 13 November 1849: 3/CT 1/1/5/38, App.No.938.
55. CTM, 23 June 1849. Porter's wording of the prayer of the petition.
56. Ibid.
57. Resolutions passed by the commissioners on 15 August 1849, and forwarded to Montagu: 3/CT 1/1/1/12 (MC), p.453.
58. Montagu to Municipality, 18 August 1849: 3/CT 1/1/5/37, App.No.700.
59. CTM, 7 July 1849. Appeal of the municipality, dated 18 June 1849.
60. Watson corresponded regularly with Adderley on behalf of the municipality and sent to the commissioners a number of letters on the subject of the convict scheme: 3/CT 1/1/5/38, App.No's 955, 1019, 1020, 1934, 1935, 1036, 1037, 1058 and 1059; 3/CT 1/1/5/38, App. No's 228 and 229.

Earl Grey to clarify the intentions of the British Government with regard to the final fate of the convicts, the Secretary of State refused to do so except through his communications to the Governor of the Cape⁶¹.

In the meantime the Anti-Convict Association⁶² had moved rapidly towards open confrontation with the colonial government. On 16 June it had resolved that the Governor should undertake to suspend the operation of the Order-in-Council⁶³. Smith instead had announced that he would receive the convicts, but would not 'turn them loose' upon the colony, pending 'ultimate arrangements'⁶⁴. The association thereupon launched a new pledge which amounted to a social and economic boycott of anyone who assisted in landing the convicts or who supported, housed or employed them⁶⁵. It also organised another enormous public meeting on 4 July, attended by more than 7 000 people 'of all ranks and classes' who braved the pouring rain for seven hours⁶⁶. The speakers, comprising 'some of the most able, influential and wealthy members of the community'⁶⁷, again represented both the mercantile élite and the commercial middle class⁶⁸. Resolutions passed at the meeting reflected the deep-seated dissatisfaction with the existing system of government, which was condemned as

61. Watson to Municipality, 27 October 1849: 3/CT 1/1/5/38, App.No. 1058.
62. The Anti-Convict Committee changed its name on 16 June 1849: A 535, I, p.14.
63. Ibid., p.15.
64. CTM, 23 June 1849. Smith's reply to the delegation from the Anti-Convict Association, led by J.B. Ebden.
65. CTM, 30 June 1849. The colonists threatened to 'discountenance and drop connection with any person' who assisted the convicts.
66. SACA, 7 July 1849; CTM, 7 July 1849.
67. CTM, 7 July 1849.
68. Ibid. J.B. Ebden (in the chair), A. McDonald, J. Stein, T. Ansdell, H.E. Rutherford and G.W. Prince were all élite merchants; J.H. Wicht, J.J.L. Smuts, J. Barry and J. De Wet (all of whom served as municipal commissioners in the mid-century period), as well as J. Fairbairn and F.S. Watermeyer, represented the commercial class.

being 'wholly at variance' with the 'inalienable rights of British subjects'. Earl Grey and Sir Harry Smith were personally criticised for their handling of the convict issue and one speaker called on the unofficial members of the Legislative Council to resign⁶⁹. Five days later the Anti-Convict Association resolved that anyone who retained his seat or accepted nomination to the council would be placed under the pledge⁷⁰. Following the death of P. van der Byl, and the resignations of Hamilton Ross (partly because of ill-health) and J.B. Ebden (in protest over the convict scheme), three new unofficial members were appointed to fill the vacancies: the merchant and entrepreneur, Jacob Letterstedt, and two landowners, Abraham de Smidt (owner of the Groote Schuur estate) and P.L. Cloete (a Stellenbosch farmer whose family owned Groote Constantia). After taking their seats in the Legislative Council on 10 July, they were mobbed and their properties were vandalised. This display of radicalism prompted their resignations, as well as that of Hendrik Cloete⁷¹. Government at the Cape was, for the moment, paralysed.

The municipality, it appears, also sought to undermine the power and authority of the colonial government, for it asked the Attorney General to prosecute the Inspector of Police, John King, for leading an assault on a number of 'Peaceful and unoffending' citizens on the evening of 10 July⁷². The Inspector had been attempting to quell a mob engaged in smashing up property belonging to Jacob Letterstedt and Abraham de Smidt, but the police had erroneously charged a group of bystanders in what the Cape Town Mail described as a 'dastardly and brutal attack'⁷³. Porter, however, was alarmed that the municipal commissioners were 'turning their indignation' against the 'Preservers

69. CTM, 7 July 1849.

70. A 535, I, p.34.

71. Hattersley, Convict Crisis, pp.52-53; Botha, Fairbairn, pp.210-211.

72. Porter to Municipality, 30 July 1849. (Reply to the municipality's complaint): 3/CT 1/1/5/37, App.No.629.

73. CTM, 14 July 1849.

of the Public Peace', and not against the 'breakers'⁷⁴. After the arrival of the Neptune, with its cargo of convicts, the municipality, ostensibly concerned that the police force was inadequate 'to afford efficient protection to the lives and properties' of Cape Town's residents, set up a rival force of its own by appointing twenty-five 'Special Constables' to patrol the streets⁷⁵. The municipality also supported the campaign to ostracise the unofficial members of the Legislative Council by cancelling a contract which had been made with Jacob Letterstedt to pave Mechau Street⁷⁶.

Even before the Neptune reached the Cape, the municipality had made bold preparations designed to frustrate the authorities and to intensify opposition to the convict scheme. On 23 August, a joint meeting of commissioners and wardmasters⁷⁷ had resolved that in order to alert Cape Town's citizens to the arrival of the convict ship, the gong in the Town House would be tolled and the wardmasters would tour their respective wards. In this way the householders would be 'duly prepared to carry strictly into force the conditions of the pledge'. Some wardmasters, indeed, felt that the pledge should be applied to Sir Harry Smith himself, for they had 'no confidence' in the promises of the Governor. It was further resolved that the municipal regulation requiring that notice be given of any changes in residence should be published and strictly enforced 'as a means of detecting the introduction of convicts into the town'. After the Neptune sailed into Simon's Bay on the evening of 19 September, these measures were put into effect with instant success, as angry inhabitants collected at street corners and meetings were held in all districts of the town⁷⁸. To prevent the convicts from

74. See footnote 72 above.

75. 3/CT 1/1/1/12 (MC), pp.491 and 493. 16 October 1849.

76. Ibid., p.428. 11 July 1849.

77. CTM, 25 August 1849. The following section is based on this verbatim report.

78. Immelman, Men of Good Hope, p.151.

disembarking and to ensure that the local shopkeepers and residents upheld the pledge, a vigilance committee, appointed by the Anti-Convict Association, was immediately dispatched to Simonstown. Its members included two élite merchants, Alexander McDonald and Thomas Ansdell, Aaron de Pass and the attorney, O.J. Truter⁷⁹, one of the most prominent municipal commissioners who was holding this office at the time⁸⁰. On 20 September the commissioners held a special meeting and addressed a letter to Sir Harry Smith, informing him that 'the people have determined that the convicts must not, cannot and shall not be landed or kept in any ports of this Colony'⁸¹. The Governor, stung by the insolent tone of the municipality's communication, replied that until further instructions were received from London, the Neptune would ride at anchor in Simon's Bay⁸². For its part, the municipality appeared to be functioning as if it were an alternative government.

The anti-convict movement reached crisis point when a serious split occurred in the Anti-Convict Association at its meeting on 28 September 1849. The 'moderates', trusting that Smith would honour his assurance that the convicts would not be landed, called for all further agitation to cease so that everyone could peaceably resume their normal occupations. The 'ultras', however, proposed to carry public opposition further by suspending all intercourse and business transactions with the colonial government and its departments. When the line advocated by the 'ultras' was endorsed by a public meeting held the following day, the 'moderates' resigned from the association⁸³.

79. SACA, 22 September 1849; A 535, I, p.45. H.E. Rutherfoord had also been appointed to this committee, but was not sent to Simon's Town.

80. O.J. Truter was a municipal commissioner in the years 1847-1851.

81. CTM, 22 September 1849.

82. Ibid.

83. G.E. Cory, The Rise of South Africa, (London, 1930), Vol.V, pp.215-216; Botha, Fairbairn, pp.214-215; CTM, 6 October 1849; SACA, 3 October 1849.

The division between the 'moderates' and the 'ultras', it seems, reflected the rift in Cape Town society between the mercantile élite and the commercial middle class. Those who resigned from the association, or absented themselves from its meetings, were all élite merchants⁸⁴. Sir Harry Smith, too, reported that a 'small moderate party' made up of 'not a few of the principal merchants' considered the new measures of protest to be unjustified⁸⁵. Cape Town's leading merchants, recorded R.W. Murray, were 'denounced and tabooed [sic]' because 'they held that the Association was going too far, and refused to join it'⁸⁶.

From October onwards the affairs of the Anti-Convict Association were dominated by John Fairbairn and his 'ultra' followers. These included the Chairman of the municipality, H.C. Jarvis, several municipal commissioners, and other prominent figures from the rising commercial class⁸⁷. It was this class, too, which habitually attended the proceedings of the association, for those present comprised landed proprietors, shopkeepers and traders, lawyers, physicians, teachers, journalists and other professionals⁸⁸. Bitter attacks were delivered against the 'respectable class', certain members of which were accused of trying to persuade the Governor to 'put down' the 'excesses' of public opposition. These 'honorable men [sic]' were vilified by J.H. Wicht as 'snakes in the grass' and 'fawning creatures' who had 'insinuated themselves at Government House and by such back-stair influence

84. African Journal, 1 November 1849; A 535, I, pp.77-78 and 81. They included J.B. Ebdon, H.E. Rutherford, A. McDonald, G.W. Prince, W. Gadney, E.J. Jerram and T. Ansdell.

85. Smith to Grey, 18 October 1849: BPP 1138, pp.110-112.

86. Murray, Reminiscences, p.3.

87. A 535, I, pp.77-115. (Minutes of meetings held between 2 October and 22 December 1849.) The municipal commissioners from the mid-century period were O.J. Truter, J.M. Maynard and H. Sherman; the other leading members of the association who were allied to the commercial class were Thomas Sutherland and the attorneys, J. Barker and J.A. Merrington.

88. J. Noble, South Africa, past and present, (London, 1877), p.191.

NO CONVICTS!!

PLEDGE.

We, the Undersigned, Colonists and Inhabitants of the Cape of Good Hope, hereby **SOLEMNLY DECLARE**, and **PLEDGE OUR FAITH TO EACH OTHER**, that we will not employ, or knowingly admit into our Establishments or Houses, work with or for, or associate with, any **CONVICTED FELON** or **FELONS** sent to this Colony under Sentence of Transportation, and that we will **DISCOURTEGE** and **DROP CONNECTION WITH** any Person who may assist in landing, supporting, or employing such convicted Felons.

Printed at the "Gazette" Office, Cape Town.

ANTI-CONVICT PLEDGE

Source: Cape Archives, ACA, I

poisoned His Excellency's ear' in order 'to gain their private ends'⁸⁹. In short, the initial political unity between the commercial middle class and the mercantile élite had capsized, leaving in its wake hostility and recrimination.

For the next few months, the Anti-Convict Association or the 'Cape Inquisition', as some preferred to view it⁹⁰, reigned supreme as shops closed, business was suspended and Cape Town became a ghost town. Those who dared to come to the rescue of government departments when supplies ran low felt its vengeance and were placed under the pledge. Its victims included such prominent figures as J.B. Ebden and Jacob Letterstedt⁹¹. Another victim, Benjamin Norden, suffered the additional indignity of a mob attack, which left him a semi-invalid, and of being expelled by the municipality from his office as commissioner⁹². In the end Earl Grey yielded, having at last grasped the seriousness of colonial opposition to his convict scheme⁹³. On 21 February 1850 the Neptune set sail for Van Diemen's Land, while the colonists rejoiced at their victory.

The Anti-Convict Crisis thus presented the Municipality of Cape Town with an opportunity to assume a powerful political role on behalf of the rising commercial class. Through its own programme of opposition, through public meetings at which municipal representatives exerted a forceful influence, and through its close involvement and co-operation with the Anti-Convict Association, the

89. CTM, 20 October 1849. Speech given by J.H. Wicht at the public meeting held on 11 October to consider the Anti-Convict Association's call for the closure of all shops and stores.

90. Hattersley, Convict Crisis, p.60, quoting African Journal (no date given).

91. Ibid.

92. Herrman, Jews in South Africa, pp.150-152. Norden was expelled at a joint meeting of commissioners and wardmasters on 15 October 1849. To enforce this step a meeting of the residents of District 12 was immediately convened to elect a new commissioner: 3/CT 1/1/1/12 (MC), p.496. 17 October 1849.

93. Grey to Smith, 30 November 1849: BPP 1138, pp.147-150.

municipality was able to capture popular support. By criticising the colonial administration for its disregard of public opinion, and by taking steps to subvert and even to rival the government, the municipality was able to discredit the existing political system. Opposition to the convict scheme was thus transformed into the demand for political reform. 'A cry is rising for a representative government', recorded one of Neptune's prisoners; the colonists 'will be ruled no longer by red-tape puppies' in Downing street and a British legislative council at the Cape ...'⁹⁴. The Cape of Good Hope Observer too asserted, 'The people choose no longer to have others rule them ... they insist that the Representative Legislature which has been so long promised them, shall be withheld no longer.'⁹⁵. Emboldened by its success in the political arena, the municipality now returned its attention to the question of the future Cape parliament.

This matter was revived only in 1846 when Earl Grey requested replies to the objections raised in 1842 by Lord Stanley⁹⁶. The outbreak of the War of the Axe (1846-47) and the problems in Transorangia caused added delay. While Sir Harry Smith dealt with these pressing frontier affairs, the Attorney-General, William Porter, prepared a general plan of representative government. The Municipality of Cape Town too began to make such plans, long before the emergence of the 'popular party'. On 2 August 1848 the commissioners appointed a special committee to draft proposals for an 'improved Legislature'⁹⁷. When compared with Porter's constitutional memorandum of 17 March 1848⁹⁸, the recommend-

94. Immelman, Men of Good Hope, p.136, quoting J. Mitchel, Jail Journal (Dublin, 1854), p.184.

95. Observer, 17 July 1849. Quoted in A.H. Duminy, 'The Role of Sir Andries Stokenstrom in Cape Politics, 1848-56', AYB, 1960, II, pp.98-99.

96. See above, Chapter IV, p.133.

97. 3/CT 1/1/1/12 (MC), p.139. The committee was also instructed to correspond with all districts and municipalities in the colony to obtain their views on a new legislature.

98. BPP 1137, pp.4-11.

ations put forward by this committee⁹⁹, reveal a clear intention to secure political control for Cape Town's rising commercial class. Like Porter, the commissioners initially envisaged a nominated upper house and an elected lower house. However, they were determined to check executive authority, for they stressed that the lower house should be vested with 'the whole of the Legislative Power, and the right of voting the Supplies'. The Governor, they proposed, should be entitled to exercise a veto over all proceedings of the lower house except the voting of 'Supplies'. Such a scheme would enable the members of the lower house to introduce laws suited to their own interests, and, above all, to wield unrestricted control over colonial finances¹⁰⁰ - the key goal of the rising commercial class¹⁰¹.

Like Porter, too, the commissioners intended to place political power in the hands of the propertied classes¹⁰², for both proposed a high qualification for membership of the lower house. Porter recommended ownership of fixed property valued at £1 000 or movable property worth £2 000; the commissioners suggested ownership of property to the value of £1 000, 'mortgaged or otherwise'. Here lay the essential difference: if owners of mortgaged property were eligible, then the nominal proprietors who had entered the ranks of the municipal commissioners after 1844¹⁰³ could also stand for the lower house. In effect this would open the door of political opportunity to a number of men from the commercial class who would otherwise be

99. 3/CT 1/1/5/32, App.No. 919. Report submitted on 27 September 1848.
100. Commissioner J.M. Maynard once observed that the Governor was able to 'gag' the members of the Legislative Council, whereas in a popular assembly 'the representatives of the people would have the power to prevent grants being made from the taxes unless they saw it was for the benefit of the colony': CTM, 22 July 1848.
101. See above, p.198.
102. Commissioner J.M. Maynard argued that as it was the proprietors alone who paid the taxes, they should have the exclusive right to legislate: CTM, 22 July 1848.
103. See above, Chapter IV, pp.151-152.

excluded¹⁰⁴. While Porter proposed a particularly low franchise that would allow many 'coloured' people to vote¹⁰⁵, the commissioners were even more radical, advocating that 'all persons on the jury list shall be qualified as voters'¹⁰⁶. This would amount to a very wide suffrage, free of any property qualification, for the only requirement for jury members was 'the trust of their fellow-citizens'¹⁰⁷. This concept of the franchise was later espoused by John Fairbairn¹⁰⁸, as well as by William Buchanan, editor of the Cape Town Mail, who maintained that 'neither poverty nor a dusky skin' should disenfranchise any honest man¹⁰⁹. The value of a low franchise to the English and Afrikaner progressives¹¹⁰ who constituted the commercial middle class was that it would enable them, with the support of the 'coloured' population, to outvote the 'ruling clique of executive and merchants'¹¹¹.

The constitutional plan framed by the municipal commissioners also differed significantly from that of Porter on the question of constituencies. The commissioners advised that the electoral districts should be based 'upon the principle of the number of voters in the same'¹¹², i.e. upon relative size of population. In terms of Porter's

104. J.H. Wicht, a future member of the 'popular party', fell into this category. See above, Chapter IV, footnote 172 on p.150. Wicht himself reasoned that a qualification based on unmortgaged property would confine membership of an assembly to a 'very few large proprietors' who might not be 'the best fitted for legislators': CTM, 22 July 1848.
105. S. Trapido, 'The Origins of the Cape Franchise Qualifications of 1853', in Journal of African History, V, No.1, pp.41 & 53.
106. See Footnote 99 above.
107. Botha, Fairbairn, p.234.
108. Ibid., referring to SACA, 2 March 1850.
109. CTM, 16 March 1850.
110. Cathcart noted that there were 'many English people who sided with the Dutch on what are commonly styled liberal principles': Quoted in Trapido, 'Cape Franchise', p.49.
111. Ibid., p.52. See also below, pp.215-216.
112. See footnote 99 above.

draft constitution the eastern and western divisions would have an approximately equal representation in the lower house, whereas a scheme similar to the one mooted by the commissioners would give the western districts a strong preponderance over the eastern¹¹³. The municipality thus seems to have been bent on preserving the political dominance of Cape Town and the Western Cape. One reason for this became apparent when the municipality later petitioned against the removal of the seat of government from the Western to the Eastern Province. It would be 'injudicious', the commissioners argued, as Cape Town was the colony's principal seaport and its commercial centre, where 'nearly three-fourths' of colonial business was transacted¹¹⁴. What they feared, thus, was the end of Cape Town's economic primacy - a development which would inevitably cause great damage to their commercial interests.

The significance of this early constitutional scheme devised by the municipal commissioners is that it contained key principles of political reform which were only later brought to the fore by the activities of the 'popular party' and by the views articulated in Cape Town's liberal press. However, the plan was temporarily shelved, apparently in view of the gathering storm of opposition to Grey's convict scheme¹¹⁵. In the meantime, the municipality, in a petition to the Queen, voiced its bitter disapproval of conciliar rule. Experience had demonstrated, the commissioners contended, the 'utter inutility and worthlessness' of the Legislative Council, 'it being acknowledged that ... the inhabitants of this colony are in no way represented by the so-called unofficial Members of the

113. Le Cordeur, Separatism, p.206.

114. Petition of municipal commissioners, 30 May 1851: CTM, 17 June 1851.

115. The report was ordered to 'stand over': 3/CT 1/1/1/12 (MC), p.184. 27 September 1848. Weeks later the municipality threw itself into the anti-convict campaign.

Council'¹¹⁶. The municipality also revealed its animosity towards executive control. Even if the unofficial members were 'freely chosen by the people', argued the commissioners, they would be 'outvoted at any time by the official gentlemen'. The commissioners therefore demanded that the Legislative Council be abolished and replaced with 'free institutions'¹¹⁷.

In condemning the Legislative Council as a worthless institution, the municipality was echoing the sentiments aired in public meetings by spokesmen of the commercial class¹¹⁸. The failure of the Legislative Council to heed the appeal of the municipality for it to intervene to prevent the convicts on board the Neptune from being admitted into the colony¹¹⁹ doomed it completely. It was publicly condemned and the unofficial members were forced into resigning¹²⁰. One of these members, Hamilton Ross, was also deeply aware of the disrepute into which the council had fallen. Conventional wisdom attributes his resignation to poor health, but this was only partly the case. In his letter to Sir Harry Smith, Ross also stated that he was convinced that the Legislative Council had 'lost the confidence of the Public'¹²¹. The commercial middle class allied to the municipality took exception in particular to the privileged political position enjoyed by the mercantile and landed élite¹²², for it was from this élite that the unofficial members were selected¹²³. This is further confirmed by Sir Harry Smith's private reply to Hamilton Ross in which he begged him to reconsider his

116. Petition of the commissioners of the Municipality of Cape Town, 26 July 1848: BPP 1137, pp.94-95.

117. Ibid.

118. See above, Chapter V, pp.187 and 191-192.

119. See above, p.204.

120. See above, pp.205-206.

121. Ross to Smith, 14 December 1848. Copy of letter in Cape Archives, A 1777. Ross complained that the opinions and recommendations of the unofficial members were 'treated with marked indifference'.

122. See above, Chapter V, pp.191-192.

123. See above, Chapter II, p.50 and footnote 25, and Chapter VI, p.14.

desire to resign, since Smith placed great value 'upon the expressed opinions of men like yourself'¹²⁴. For the commercial middle class to attain political ascendancy it was thus essential to extrude the colony's élite from its position of influence.

Once the Anti-Convict Crisis had subsided, the municipality immediately resumed its constitutional initiatives, while Porter's draft constitution, having been reviewed by the Lords of the Committee for Trade and Foreign Plantations, was before the Queen in council¹²⁵. Between 15 and 19 April 1850 the commissioners heard the suggestions of 'several influential Inhabitants of this Municipality' on the subject of a new legislature for the colony¹²⁶. When the statements of these parties were read at a joint meeting of commissioners and wardmasters on 22 April, the fear was expressed that the new constitution would be based on the opinions of the colonial officials and not upon the views of the colonists. It was therefore proposed that the colonists themselves should devise a plan of government¹²⁷. This idea gained acceptance at a public meeting held the following day in the Town Hall, when it was resolved that a 'Committee of Delegates' should be elected by the whole colony to frame a constitution¹²⁸. In the meantime, the report of the Privy Council committee, authorising the Legislative Council to fill in the details required to finalise Porter's draft constitution, became

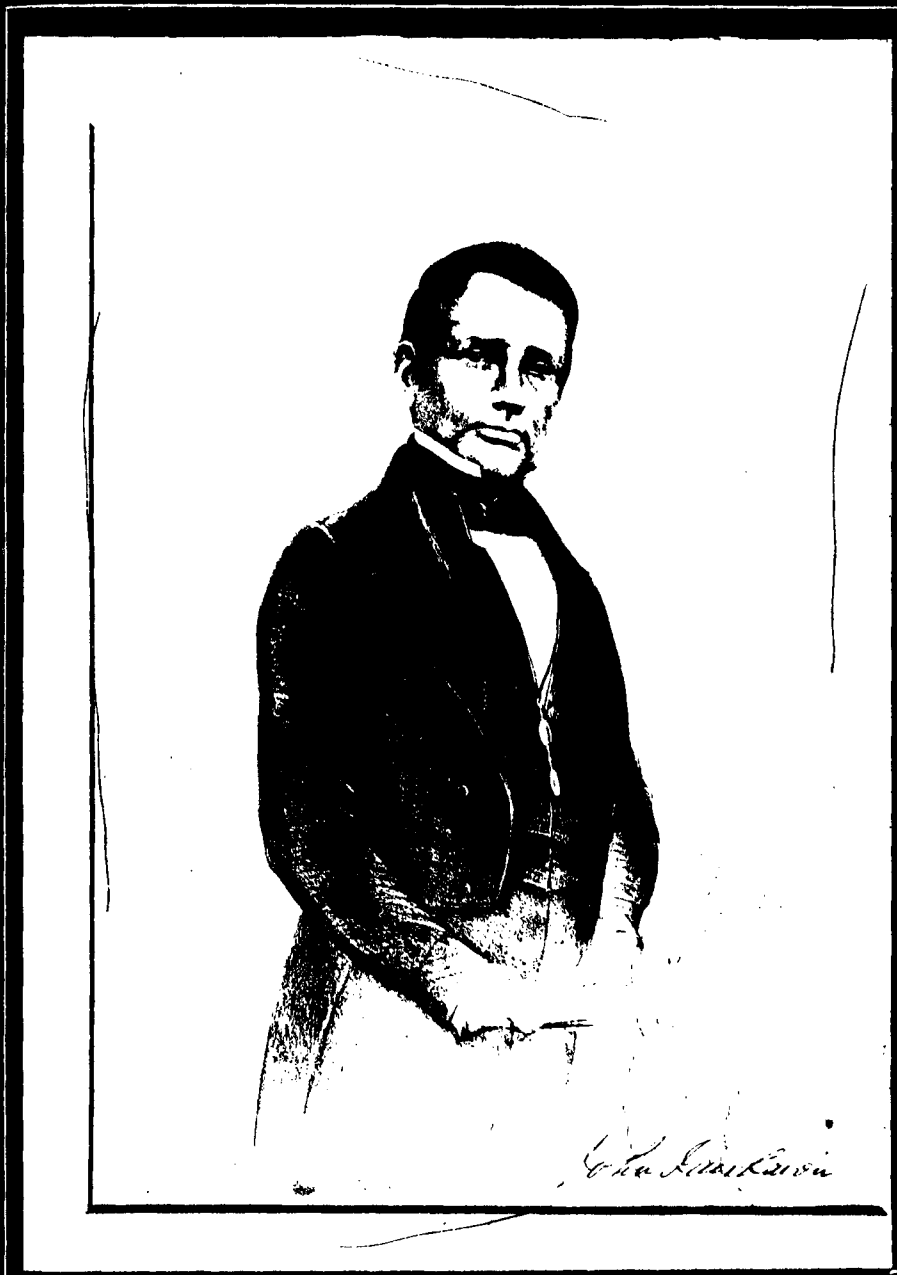
124. Smith to Ross (private), 15 December 1848: Cape Archives, A 1777.

125. G.McC. Theal, History of South Africa since 1795 (London, 1916), Vol.3, pp.120-121. The report of the committee of Lords was laid before the Queen in council on 30 January 1850.

126. 3/CT 1/1/1/13 (MC), pp.78-87. Opinions were presented by the newspaper editors, William Buchanan and F.S. Watermeyer, several prominent figures from the commercial class, including J.J.L. Smuts and Advocate J. de Wet (founder of the South African Association for the Administration of Estates), several élite merchants including H. Ross, J. Stein, H.E. Rutherford, T. Ansdell and A. McDonald, and two prominent educationists, A.N.E. Changuion and Rev. James Adamson.

127. CTM, 27 April 1850.

128. Ibid.



JOHN FAIRBAIRN, EDITOR OF
THE SOUTH AFRICAN COMMERCIAL ADVERTISER

Source: Cape Archives, E 365

known in Cape Town¹²⁹. However, the municipal commissioners, worried that the Governor would summon the 'old members' of the Legislative Council, believed that this task should be undertaken instead by the proposed 'Committee of Delegates'¹³⁰.

Their fears were in part allayed when Sir Harry Smith requested the municipalities and district road boards of the colony to furnish him with the names of candidates to fill the vacant seats in the Legislative Council¹³¹. The municipality, applauding the 'liberal principles' adopted by the Governor¹³², promptly set about organising an election. Aiming to 'take the lead' in order to guide the other municipalities of the Cape¹³³, the commissioners and wardmasters decided to invite the householders of Cape Town to meet in the Town Hall to vote for five suitable candidates¹³⁴. This procedure made it possible for the municipality to promote those men on whom it could rely to advance its political goals.

The elections for the candidates for the Legislative Council were accompanied by some devious engineering by the Municipality of Cape Town, which circulated throughout the colony voting tickets bearing the names of its nominees, F.W. Reitz, J.H. Wicht, C.J. Brand, John Fairbairn and Andries Stockenstrom. In this way the voters 'were induced to believe that these were the best men they could

129. It was published in CTM, 4 May 1850.

130. CTM, 4 May 1850. Report on the meeting of the commissioners on 2 May. The municipality had in the meantime been in correspondence with the other municipalities of the colony on the subject of the 'Committee of Delegates' and of petitioning the Queen for the immediate formation of a representative assembly. It received replies from the municipalities of Stellenbosch, George, Uitenhage and Beaufort: 3/CT 1/1/5/40, App.Nos 362, 363 and 405.

131. GG, 9 May 1850.

132. CTM, 11 May 1850. Resolution adopted by the commissioners on 10 May.

133. Ibid.

134. CTM, 18 May 1850.

choose,¹³⁵. In Cape Town itself, the ballot was closed with such 'indecent haste', objected the Cape Monitor, that 'a most respectable body of merchants' was not in time to vote¹³⁶. Requests from a number of élite merchants for the postponement of the ballot¹³⁷ were brushed aside by the commissioners¹³⁸. These manoeuvres were only partially successful, for although the five men sponsored by the municipality headed the polls, J.H. Wicht was rejected by Smith. For the remaining seat the Governor, alarmed at the overwhelming support for the 'popular' members, chose the prominent Grahamstown businessman and journalist, Robert Godlonton, to represent the eastern districts in the council¹³⁹.

Days after the Legislative Council assembled, the municipality attempted to influence its proceedings. On 11 September 1850 the commissioners resolved that the council should consider no other business than the constitution, maintaining that this was the task for which the unofficial members had been 'expressly Elected'¹⁴⁰. A similar standpoint was taken by the 'popular' members when, after feuding with Montagu and his supporters over the franchise and qualifications, they resigned from the council on 20 September¹⁴¹. While the remaining members formed themselves into a Constitutional Commission, the 'popular' members, now joined by J.H. Wicht, were requested by the

135. Montagu's contention, voiced in the Legislative Council on 18 September 1850: BPP 1362, p.69. A similar allegation was later made by Sir Harry Smith: Ibid., p.130.

136. Cape Monitor, 29 November 1850.

137. 3/CT 1/1/5/40, App.Nos 373 and 374. The signatories included E. Christian, T. Ansdell, the Chiappini brothers, G.W. Prince, J. King, R.W. Eaton, G. Thompson, W. Billingsley and others.

138. The commissioners refused to postpone the closure of the ballot: 3/CT 1/1/1/13 (MC), p.112. 17 May 1850.

139. Le Cordeur, Separatism, pp.225-226.

140. 3/CT 1/1/1/13 (MC), p.197. The Legislative Council met on 6 September 1850.

141. Breitenbach, 'Montagu', pp.258-261. The author demonstrates that Porter and Montagu deliberately forced the 'popular' members into resigning by raising other legislative business.

municipality to draft 'such a Constitution as they shall deem best calculated to meet the wants and wishes, and to represent all the interests, of this Colony'¹⁴². The draft constitution subsequently devised by the 'popular party' was then submitted to a special meeting of the municipal commissioners for their approbation. At this meeting all articles of the draft were automatically adopted by the commissioners¹⁴³.

This new plan contained various features that promised the rising commercial class access to political power: a relatively low £25 franchise, a similar qualification for membership of the lower house, and easier eligibility for the upper house based on ownership of property to the minimum value of £1 000, with no insistence that it should be 'unencumbered'¹⁴⁴. The commissioners thereupon organised a public meeting to raise further support for the alternative constitution¹⁴⁵, and resolved to forward copies of it to all other municipalities for their consideration¹⁴⁶. The outcome was a petition from the municipality and inhabitants of Cape Town requesting the Queen to ratify unamended the 'form of Government' proposed by the 'popular party'¹⁴⁷. Once again the municipality stood accused of sharp practices. A correspondent to the Cape Monitor, the pro-government organ of Cape Town's merchants, claimed that the municipal petition had been 'hawked about' by the wardmasters for signatures, while unwitting farmers bringing their produce

142. CTM, 28 September 1850. Meeting of the municipal commissioners held on 25 September. The commissioners also expressed their 'unfeigned satisfaction' at the determination of the 'popular' members to 'confine themselves exclusively to ... framing a Constitution for this Colony': Ibid.

143. 3/CT 1/1/1/13 (MC), pp.208-209. 28 September 1850.

144. 3/CT 1/1/5/41, App.No. 725. Copy of draft constitution.

145. CTM, 5 October 1850.

146. 3/CT 1/1/1/13 (MC), p.209.

147. BPP 1362, pp.117-118. Similar demands were sent in from 13 other towns and municipalities: Ibid., p.114.

to market were also badgered into signing it¹⁴⁸. Sir Harry Smith substantiated this allegation, noting that one-third of the signatories were 'probably fictitious'¹⁴⁹. At the same time, the élite merchants submitted a rival memorial which favoured the proposals of the Constitutional Commission but which recommended an extremely high qualification for the electors of the upper house in order to counterbalance the power of the lower house¹⁵⁰. It was a desperate move to save their political skins.

By the end of 1850, thus, a chasm existed between Cape Town's mercantile élite and the commercial middle class backed by the municipality. It was evidenced in the despatches of Sir Harry Smith. The Governor recorded that the four members who had resigned from the Legislative Council had 'identified themselves' with a powerful 'party' in Cape Town with 'ultra views', who were 'desirous of concentrating all political power in their own hands'. The 'seceders', he noted, 'could obtain no support from the respectable merchants of the town'¹⁵¹. On the other hand, Smith constantly emphasised the support which the colonial government received from the 'principal mercantile establishments' and the 'principal landowners' in Cape Town¹⁵². The rift between these two classes was dramatically captured in the newspapers of the day. One of the foremost spokesmen for the commercial class, J.H. Wicht, referring to the steps taken by the 'popular party' in drafting a new constitution, noted that 'a great number of our mercantile

148. Cape Monitor, 1 November 1850. Letter to the editor from 'Citizen'.

149. Smith to Grey, 30 November 1850: BPP 1362, p.114.

150. Ibid., pp.137-138. They wanted to raise the franchise for the upper house from £25 to £500! Its signatories included J. Stein, J.D. Thomson, E. Christian, A. McDonald, T. Ansdell, E.J. Jerram, J. King, G.W. Prince and the Chiappini brothers: Cape Monitor, 1 November 1850.

151. Smith to Grey, 2 October and 30 November 1850, and 21 January 1851: BPP 1362, pp.19, 113 and 135.

152. Smith to Grey, 24 September and 2 October 1850: Ibid., pp.11 and 19.

friends have kept aloof from our late proceedings'¹⁵³. In reply to accusations that Wicht and his fellow 'popular' members 'had concocted a scheme whereby the mercantile community would be excluded from having a share in the future legislature of this colony', he observed apologetically that the merchants would have 'more property than is required' to obtain seats in it. Indeed, Wicht hoped that the merchants would 'come forward' to participate in parliament, or they would be 'left like an isolated body, stationary amid the grand progressive stream of improvement'¹⁵⁴.

Conversely, the Cape Monitor pointed to 'a large party in Cape Town', linked to the municipality, who had 'gained the confidence of a great body of the public' during the anti-convict agitation, and 'were thus enabled to dispense with the support of the respectable names by the influence of which they had mounted to power ...'¹⁵⁵. The municipal commissioners, it regretted, were now 'chosen from a lower class than formerly'¹⁵⁶. While amongst the first commissioners there had been 'many considerable proprietors and men of wealth and influence in the community, and the heads of the principal mercantile firms', the current men were not 'of the same stamp and standing'. These commissioners, it noted, 'now distinctly assume the powers of government; they think it necessary to debate and decide upon every political measure'. If such men were to be the 'guardians' of the future legislature, it warned, 'the character of the Colony must decline'¹⁵⁷.

The municipality, nevertheless, was determined to see its

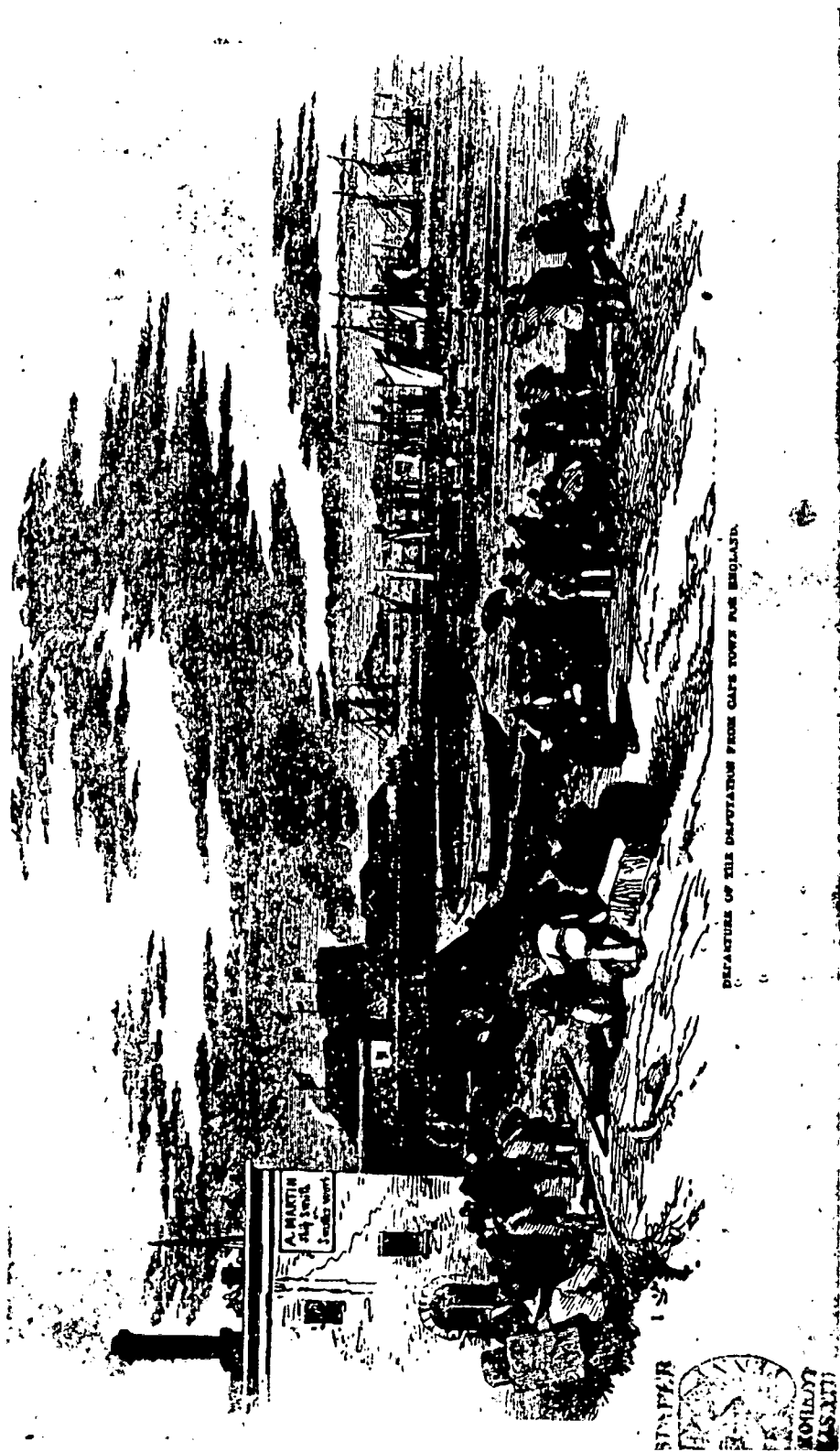
153. CTM, 5 October 1850.

154. Ibid.

155. Cape Monitor, 8 November 1850.

156. Ibid., 15 November 1850.

157. Ibid.



THE DEPARTURE OF THE CAPE DEPUTATION

Source: Illustrated London News, Vol.18,
18 January 1851, p.36

political initiatives through to the end. On 26 October 1850 it formally appointed Fairbairn and Stockenstrom as members of a deputation to proceed to England¹⁵⁸, where they were to obtain the immediate implementation of their draft constitution. It was hoped that as they had received the highest number of votes in the 1850 elections they would be accepted by the British government as the true representatives of the colonists, and that the constitution devised by them would be regarded as what was generally desired¹⁵⁹. However, while Fairbairn and Stockenstrom were engaged in a fruitless mission, the outbreak of the Eighth Frontier War and the Kat River Rebellion delayed matters further. In May 1851 Earl Grey issued the Additional Institutions directing Smith to carry on urgent business with a purely official Council and to postpone consideration of the new constitution¹⁶⁰. This move provoked renewed public protests. A wave of petitions reached the government, including one from the municipality entreating the Queen to suspend the operation of the Additional Instructions and to relieve the colonists from 'the principles of despotism which characterise the present mode in which the colony is governed'¹⁶¹. An identical petition from the inhabitants of Cape Town¹⁶², was 'got up' by the municipality whose functionaries had resorted to 'extraordinary means for procuring signatures to it'¹⁶³.

Encouraged by Stockenstrom¹⁶⁴, the municipality was ever active in exerting pressure on the authorities to settle the arrangements for self-government. Shortly after the

158. 3/CT 1/1/1/13 (MC), p.240.

159. Theal, South Africa, p.124.

160. Grey to Smith, 13 May 1851: BPP 1362, p.203.

161. Petition of the municipal commissioners, 17 July 1851: BPP 1427, p.3.

162. Ibid., p.36.

163. Montagu to Hawes (Under-Secretary of State), 31 July 1851: Ibid., p.35.

164. Duminy, 'Stockenstrom', p.125.

Constitution Ordinances were published¹⁶⁵, the municipality petitioned the Queen to pass them 'without delay'¹⁶⁶. The municipal commissioners, indeed, were privately delighted. Noting that the ordinances were, with 'some minor exceptions', very similar to the draft constitution framed by the 'popular party', H.C. Jarvis informed the board that 'we have here all we could reasonably wish for'¹⁶⁷. However, the Legislative Council, which had been reconstituted in October 1852¹⁶⁸, launched into fresh debates over the franchise and qualifications. An indignant body of Cape Town's citizens met in the Town Hall on 1 March 1853¹⁶⁹. Angered by the 'procrastination' of the council, and its opposition to the main principles and the details of the draft ordinances, they resolved to supply the details themselves. In this task they were guided by Stockenstrom, Fairbairn, Wicht and Brand¹⁷⁰. The municipality on their behalf then petitioned the Queen to give immediate effect to this version of the draft constitution¹⁷¹. At the same time, the commissioners requested the dismissal of Montagu¹⁷² who, they believed, was 'determined to mutilate the

165. GG, 27 November 1851.

166. Petition of the municipal commissioners, 1 December 1851: BPP 1427, p.38.

167. 3/CT 1/1/1/13 (MC), p.904. 5 November 1851. The Cape Town Mail noted that with 'two elective houses, a very liberal though judiciously regulated suffrage, and the ultimate control of the public revenue, the colony will possess all the foundations of a system of complete self-government': CTM, 8 November 1851.

168. Three of the four nominees were Cape Town merchants: Duminy, 'Stockenstrom', p.128, footnote 87.

169. CTM, 3 March 1853 (Supplement).

170. Ibid.

171. Petition of the municipal commissioners, 2 March 1852: BPP 1636, pp.140-141.

172. Petition of the municipal commissioners, 31 March 1852: BPP 130, pp.2-3. C.J. Brand publicly accused Montagu of exercising 'nepotism and favouritism', of sowing the seeds of discord between the 'English and Dutch' and of being responsible for 'the gross misrepresentation and slanders on the colonists which have been transmitted to mislead the home government': CTM, 12 October 1852.

constitution',¹⁷³. The same demand was contained in a petition from 678 inhabitants of Cape Town¹⁷⁴, of whom, reported Montagu, 198 were 'persons unknown'. The signatures, he alleged, had been collected under false pretences by the municipal officers¹⁷⁵.

By this stage, however, the municipality was perpetuating a pointless campaign. A new Secretary of State, the Duke of Newcastle, favoured the immediate granting of representative government. On 11 March 1853 the Constitution Ordinance was ratified. Moreover, the 'domineering trio' of Montagu, Smith and Grey¹⁷⁶ existed no more to frustrate the wishes of the colonists. When the new constitution reached Cape Town in April 1853 it was hailed with jubilation. The Cape Town Mail welcomed the 'new era in Cape affairs', confident that it would assure 'future progress and prosperity'. The editor praised the '"Town House" party' for having stood for 'an open Government, one responsible to the community'. It was a victory over the 'selfish' opponents of the constitution who had 'no permanent interest in the Colony' but who had combined to preserve a despotic government¹⁷⁷. The implication was clear: the mercantile élite had been defeated; the commercial middle class was triumphant.

173. Opinion voiced at their ordinary meeting on 3 March 1853: CTM, 9 March 1853.

174. BPP 130, pp.3-4.

175. Ibid., p.17.

176. Duminy, 'Stockenstrom', p.129.

177. CTM, 26 April 1853.

CONCLUSION

THE DIMENSIONS OF MUNICIPAL POLITICS

Municipal politics in mid-nineteenth century Cape Town were essentially the domain of the dominant white classes. This was largely due to the exclusive qualifications¹ which limited the municipal franchise to a relatively small group of householders², and which restricted membership of the municipal executive (the Board of Commissioners) to those drawn from an even smaller number of wealthy landed proprietors³. Although 'men of colour' who had acquired 'considerable property' exercised the municipal vote⁴, their influence in municipal politics appears to have been minimal: the Malay who was elected as a wardmaster, for instance, 'finally declined to serve'⁵. Indeed, 'coloured' electors were subject to manipulation. In 1848, for example, a blunder occurred in the election for the commissioner for District Four when Andries Brink was returned instead of A.F. Carstens because the voters, 'who were nearly all either Malays or free blacks [sic]', had not been 'sufficiently drilled'⁶. Another problem was the apathy of the wardmasters and of the general public⁷, serious enough to cause the municipality to resort to launching publicity campaigns for the elections for wardmasters⁸. The residents of Cape Town displayed an active

1. See above, Introduction, pp.11-12.

2. See above, Introduction, p.13 and footnote 48, and Chapter V, p.190.

3. See above, Introduction, p.13 and Chapter I, p.40.

4. Memorandum on representative government by John Montagu, 10 April 1848: BPP 1137, p.18.

5. Ibid., p.16; see above, Chapter I, p.38.

6. CTM, 20 May 1848.

7. See above, Chapter III, pp.80-81 and 107-108, and Chapter IV, p.151.

8. Before these elections in 1848 the wardmasters were instructed to distribute printed notices and to post placards in the streets: 3/CT 1/1/1/12 (MC), p.235. 22 November 1848.

interest in public matters only when grave developments such as the introduction of the stamp bill⁹ or Grey's convict scheme¹⁰ threatened to disrupt their security. Meanwhile, the effect of their apathy was to allow the municipal commissioners a relatively free hand in administering town affairs, particularly in regard to the appropriation of municipal funds¹¹. As a result, the commissioners had ample opportunity to promote their own propertied interests¹².

Within the dominant white group there were various tensions, rivalries and alignments. These were in part reflected in the conflict between the mercantile élite and the rising commercial middle class. The validity of this distinction, first propounded by Tony Kirk¹³, has recently been questioned by Professor Robert Ross, who suggests that if a 'genuine division can be discerned, it was ... more of a generational conflict, or one between the successful and the less so'¹⁴. There is some truth in what Ross argues, for the élite merchants were patently more financially successful than the men of the commercial class¹⁵. But this can be mainly attributed to the backing that they received from metropolitan capital¹⁶ and the London connection¹⁷, a factor recognised at the time by partners in locally-funded firms, for they too required such support¹⁸. As for the

9. See above, Chapter V, p.174.
10. See above, Chapter VI, pp.200-202 and 205.
11. See above, Chapter IV, p.150.
12. See above, Chapter III, p.78 and Chapter IV, pp.147-148.
13. See above, Chapter II, pp.45-46.
14. R. Ross, 'Structure and Culture in Pre-Industrial Cape Town: A Survey of Knowledge and Ignorance', p.13. Unpublished paper presented at the Centre for African Studies (UCT) Conference on the Western Cape, July 1986. The concept of a generational conflict has been mooted before by R.F.M. Immelman. See above,
15. See above, Chapter II, p.61. Chapter IV, p.120.
16. See above, Chapter II, pp.56-57, Chapter IV, pp.131-132 and Chapter V, p.173.
17. See above, Chapter II, pp.54-55 and 57-58.
18. See above, Chapter II, pp.58-60.

'generation gap' theory, there is again a measure of truth. A comparison of the ages of prominent figures from both groups in the year 1850¹⁹ reveals that several élite merchants, Hamilton Ross (76), J.B. Ebden (63), A. Chiappini (72) and C.S. Pillans (66), were relatively senior, while from the commercial class J.H. Wicht (42) and William Buchanan (42) were relatively youthful. However, the élite merchants John Stein (41) and Alexander McDonald (37) were also comparatively young. Moreover, the average age for both classes was similar and a number of men from both were of the same age group²⁰. Age difference was thus a negligible factor in accounting for the rivalry between these classes. That such a rift was present in Cape Town society is beyond doubt, for it was perceived to exist by the actors themselves. The spokesmen for the commercial class condemned the 'gentlemen merchants' for their political passivism²¹, for using their seats in the Legislative Council to serve their own ends²² and for their self-interested influence with Sir Harry Smith²³. On the other hand, one of the leading merchants, H.E. Rutherford, regretted that the 'party spirit' of the 'Town House Politicians' had provoked such disgruntlement that 'few respectable people now take any interest in public affairs, and those [who do] go to the active extreme and support the High Church party'²⁴ - presumably a reference to the ruling clique of governor and officials who patronised St George's²⁵.

19. See Appendix J.

20. The average age of the élite merchants was 54 years, and that of the commercial men was 49 to 50 years. J. Letterstedt, H.E. Rutherford G.W. Prince, H. Watson and M. Thalwitzer were the peers of O.J. Truter, J.H. Hofmeyr, John Fairbairn, Benjamin Norden and C.J. Brand: Appendix J.

21. See above, Chapter V, p.171.

22. See above, Chapter V, pp.191-192.

23. See above, Chapter VI, pp.209-210.

24. Rutherford to his sister, 31 March 1850: South African Library, MSB 412, item 22.

25. Pama, Bowler's Cape Town, p.50. Bishop Gray was considered so 'High Church' by critics that he was denounced as 'the Pope of Cape Town'.

Cape
1845-1855

There were clear disparities between the mercantile élite and the commercial middle class. The élite merchants, who represented the Cape's 'aristocracy of trade'²⁶, were a more homogeneous group, predominantly British-born and Anglican²⁷. Most were partners in wholesale firms and shipping houses with links world-wide²⁸; some were prominent in banking, the colonial trade and wool farming²⁹. Through their domination of the Commercial Exchange and their privileged position as Legislative Council nominees, the élite merchants exercised considerable political influence³⁰. Together with the anglicised, interrelated, land-owning Afrikaner families such as the van der Byls, Cloetes, van Reenens and van Bredas³¹, who comprised the 'landed aristocracy' of the Cape³², they formed a political and social élite which mixed on terms of equality with senior colonial officials³³. The members of this élite attended the Cape fox hunt which became so popular during the governorship of Sir Harry Smith, the fashionable balls and the regimental dinners³⁴. The Attorney-General, William Porter, was always a 'star performer' at the lavish dinners hosted by Hamilton Ross³⁵. Their social prestige was symbolised by their country estates³⁶ and by the pews

26. Hattersley, Social History, p.98.

27. See above, Chapter II, p.47.

28. See above, Chapter II, pp.53-54.

29. See above, Chapter I, p.27, Chapter II, pp.54-55, Chapter III, pp.89-90 and 97 and Chapter V, pp.177-178.

30. See above, Chapter II, pp.45, 49-50 and p.54.

31. See above, Chapter I, p.42, Chapter III, p.95 and Chapter V, pp.177-178.

32. Hattersley, Social History, p.253.

33. Ibid., p.153.

34. Ibid., pp.153-154.

35. C.D. Hamilton-Ross, 'Home Life at Newlands a century ago' (a reminiscence by Ross's grandson). Draft copy of article, Cape Archives, A 1777.

36. See above, Chapter II, p.64.

reserved for them in St George's³⁷.

The commercial middle class, on the other hand, was far more heterogeneous in composition. Its members ranged from bankers to brokers, landlords to lawyers, sheep farmers to shopkeepers³⁸. It seems to have been more a loose alliance of men with common aims than a distinct, self-conscious class like the mercantile élite. Nevertheless, it possessed identifiable characteristics that separated it from Cape Town's 'aristocracy'. Many of the men from this group were locally born, and the majority were Afrikaners³⁹. Although tension between English and Afrikaner could occur⁴⁰, there was a significant degree of co-operation between these two language groups within the commercial class and within the ranks of the municipality⁴¹. The financial resources of this class were locally derived⁴² and it lacked the prosperity and stability of the mercantile élite⁴³. Moreover, much of its capital was reinvested in household property⁴⁴ and in financial institutions established in rivalry with those sponsored by the mercantile élite⁴⁵. The chief goals of the commercial class were the reform of the existing political order⁴⁶ and the development of the commercial and

37. As subscribers to the fund to build St George's, they were entitled to their own pews: Hattersley, Social History, p.122. H. Ross, J.B. Ebdon, W.G. Anderson, F. Collison, A. McDonald, R.W. Eaton, W. Gadney and E.J. Jerram, all élite merchants, were also all trustees for this fund: Almanac, 1840 and 1848.
38. See above, Chapter II, pp.46, 51-53, 62, 65, 67-69 and 73-74.
39. See above, Chapter II, p.75. Montagu also noted that 'the Dutch population greatly preponderates' in the Cape Town municipality; 'seventy-five per cent of the constituency are either of Dutch origin, or in daily use of the Dutch language': BPP 1137, p.21.
40. See above, Chapter I, pp.42-43.
41. See above, Chapter IV, p.130 and Chapter VI, p.202.
42. See above, Chapter II, pp.46, 52 and 59.
43. See above, Chapter II, p.61.
44. See above, Chapter II, pp.62-63 and Chapter V, p.173.
45. See above, Chapter II, pp.47-48.
46. See above, Chapter V, pp.187 and 191-192.

*I believe who
said he is
obviously
a local
yet wanted
closely with
Thomson & Co.*

agricultural resources of the colony⁴⁷. (Unlike many of the élite merchants who retired overseas with their fortunes⁴⁸, the local businessmen intended to remain permanently in the colony. This commitment was evident in their investments in colonial joint stock companies established to bring advances such as gas lighting, tramways, harbour slips and railways to the Cape⁴⁹.)

The rivalry between the mercantile élite and the commercial middle class had a discernible impact on municipal politics. The opposition of the commissioners and wardmasters to any possible monopoly at the town market⁵⁰, on harbour improvements⁵¹ and on gas lighting ventures⁵² was aimed against the mercantile élite. The friction between these groups was also apparent in the attempts to establish an alternative 'Chamber of Commerce'⁵³, and in differences over religious issues⁵⁴. The élite merchants, for their part, regularly complained about the market dues levied by the municipality on articles for export⁵⁵, finally gaining the intervention of the colonial government on their side, with the passing of the Market Relief Ordinance⁵⁶. In the meantime, the few élite merchants who had at first participated directly in municipal affairs⁵⁷ had largely

47. See above, Chapter IV, pp.125-126, 130-132, 137-138 and p.143, Chapter V, p.191 and Chapter VI, pp.197-198.
48. See above, Chapter III, pp.47, 53 and 61. Even Hamilton Ross had contemplated returning to England but hesitated to do so because of the cold climate and the difficulty of 'making new friends in my old age': Ross to his niece, 10 July 1845: Cape Archives, A 889.
49. See above, Chapter II, pp.49, 66 and 69.
50. See above, Chapter III, pp.90-92.
51. See above, Chapter IV, pp.120-121.
52. See above, Chapter IV, pp.127-128.
53. See above, Chapter IV, pp.118-120.
54. See above, Chapter V, pp.194-195.
55. See above, Chapter III, p.92, footnote 84 and p.97 and Chapter V, pp.177-178.
56. See above, Chapter V, pp.180 and 183-186.
57. See above, Chapter II, p.74

withdrawn by 1844⁵⁸.

However, it seems that Kirk has overdrawn the conflict between the mercantile élite and the commercial class. This is probably because the period on which he focuses (1846-54) was one marked by polarisation, seen notably in the rift between the 'moderates' and the 'ultras'⁵⁹. Relations between the élite merchants and the commercial men also featured a significant measure of co-operation. For a start, both belonged to the ruling class. They shared cultural affinities, basing their houses, furniture, fashions, entertainment, tastes in literature and outdoor pursuits (such as horse racing and cricket) on the European example⁶⁰. Men from both groups were landed proprietors faced with the burden of taxation⁶¹. The two groups collaborated to protect the wine trade⁶² and their business activities⁶³, and were jointly involved in copper mining, in the Natal cotton project and, later, in the 1860 harbour scheme⁶⁴. There was also a degree of political unity between the two in their opposition to the admission of convicts into the colony⁶⁵ and in their call for representative government⁶⁶. It was, however, a temporary political alliance which collapsed at the height of the Anti-Convict Crisis. Yet, once the political turmoil of the early 1850s had subsided, a healing process occurred. As Professor A.F. Hattersley has noted, 'The rift between merchants and the professional classes, strong on the

58. See above, Chapter IV, p.182.

59. See above, Chapter VI, p.209-210.

60. Hattersley, Social History.

61. See above, Chapter III, p.83.

62. See above, Chapter III, p.93 and Chapter IV, pp.121-122.

63. See above, Chapter IV, pp.123-125 and Chapter V, pp.171-172 and p.175.

64. See above, Chapter II, pp.69-70 and Chapter VI, p.198.

65. See above, Chapter IV, p.135 and Chapter VI, pp.202-203.

66. See above, Chapter IV, p.131 and Chapter VI, p.211.

Cape Town municipality was ... to disappear within a relatively short period'⁶⁷.

Municipal politics in Cape Town were also shaped by other forces. These were manifested in the intra-institutional disputes between the commissioners and the wardmasters. Most of the wardmasters, it seems, belonged to the 'petty bourgeois' class⁶⁸, which is not surprising given Cape Town's 'largely artisanal character'⁶⁹. The commissioners, on the other hand, were predominantly drawn from the commercial middle class⁷⁰. The wardmasters used their somewhat limited powers⁷¹ to protect the interests of small traders and of the householders in general in various ways: they insisted on democratic procedures⁷², abolished petty restrictions affecting bakers and fishermen⁷³, tried to ensure cheap meat for the public⁷⁴ and fought for free competition at the town market⁷⁵. To some extent, the concern to guarantee free trade was shared by the commissioners, for they were quick to crush attempts to set up a monopoly in the meat trade⁷⁶. The main clashes between the two boards stemmed from the wider conflict in Cape Town society between the proprietors and the occupiers⁷⁷.

67. Hattersley, Convict Crisis, p.84. The author attributes this healing process to 'the popularity of club life', which drew together 'merchants, civil servants and professional men'. The social gap also narrowed as 'the sons of the prominent merchants of earlier days were entering the professions of law and medicine': Ibid.

68. See above, Chapter II, p.73.

69. Ross, 'Structure and Culture', p.7.

70. See above, Chapter II, pp.73-74 and Appendix B.

71. See above, Introduction, pp.15-17 and Chapter IV, pp.148-149.

72. See above, Chapter III, pp.85-86.

73. See above, Chapter III, p.86.

74. See above, Chapter III, p.88.

75. See above, Chapter III, pp.89-92.

76. See above, Chapter IV, pp.128-129 and p.158.

77. See above, Chapter IV, pp.141-142.

Many of the nominal owners of mortgaged property in Cape Town were members of the same 'petty bourgeois' class from which the majority of the wardmasters originated⁷⁸. Like the poor tenants of hire houses who were forced to shoulder at least part of the burden of municipal taxation⁷⁹, these nominal proprietors (or tenants in disguise) dreaded the prospect of additional taxes on property. They feared that this would cause the mortgagees, on whom they depended, to withdraw some of the capital invested in the mortgage bonds on their properties⁸⁰. It was chiefly these groups whose interests were defended by the wardmasters when they demanded that the proprietors alone should be responsible for the house rate⁸¹. At the same time, the wardmasters opposed moves that would result in increased taxes on property⁸². Such conduct led to allegations of 'parsimony' being directed against them⁸³.

Cape Town's proprietors, on the other hand, constantly protested against having to carry the 'exclusive' burden of taxation⁸⁴. This, however, was not entirely true. Some of the burden was passed on to the tenants and the market dues amounted to an indirect tax on the general public⁸⁵. Moreover, the system of municipal assessment of property worked to the advantage of the proprietors. It was based on the estimated value rather than the annual renting of fixed property.⁸⁶ According to John Montagu,

78. See above, Chapter IV, p.139.

79. See above, Chapter IV, pp.138-139. On one occasion, landlord J.M. Maynard was openly accused of making 'a practice when he lets a house that the occupiers shall pay the rates [sic]'. Maynard, of course, denied this, claiming that 'every man has a right to 6 per cent for his money [sic]': CTM, 7 April 1849.

80. See above, Chapter IV, p.140.

81. See above, Chapter III, p.82 and Chapter IV, p.142.

82. See above, Chapter III, pp.94 and 96, and Chapter IV, pp.144-145.

83. See above, Chapter III, pp.99-100 and Chapter IV, p.144.

84. See above, Chapter III, p.83, Chapter IV, pp.137-138 and p.142, and Chapter V, p.191.

85. See above, Chapter V, pp.179 and 184.

86. See above, Chapter III, p.82.

it resulted in the undervaluation of property⁸⁷, which, of course, meant that the proprietors benefited from lower rates. This is not to say that the proprietors were not experiencing genuine difficulties. Indeed, the slump in the property market in the early 1840s had produced numerous insolvencies, a rise in the number of mortgaged properties and a depreciation in the value of property⁸⁸.

Nevertheless, the proprietors of Cape Town found a willing ally in the Board of Commissioners. A number of commissioners were themselves landlords and mortgagees⁸⁹. They were thus keen, out of self-interest, to assist the proprietors. To alleviate the burden of taxation on the proprietors, the commissioners attempted to make the occupiers partly liable for the house rate⁹⁰. Furthermore, they sought to tax crown property and even to impose a water rate on the residents of Green Point⁹¹. Although these particular initiatives failed because of opposition from the wardmasters and from the colonial government, concern about property became a constant preoccupation, if not an obsession. It was one of the factors which accounted for the opposition to the convict schemes⁹² and for the introduction of gas lighting⁹³. Protection of property was one of the chief duties expected of the police by the municipality⁹⁴. Discontent over the transfer dues and the prospect of increased taxes on bonds and insurance premiums fuelled opposition to the stamp bill⁹⁵. On the

87. See above, Chapter V, p.185 and footnote 97.

88. See above, Chapter IV, p.137 and Chapter V, pp.186, 191 and 193.

89. See above, Chapter I, pp.36-37, Chapter II, pp.51-52, 63-66 and p.74, and Chapter IV, p.165.

90. See above, Chapter III, p.82 and Chapter IV, p.142. A further attempt was made in 1849 but the wardmasters defeated it simply by adjourning their meeting: CTM, 7 April 1849.

91. See above, Chapter III, pp.108-111 and Chapter V, pp.189-190.

92. See above, Chapter IV, p.135 and Chapter VI, pp.200-201.

93. See above, Chapter III, p.51.

94. See above, Chapter III, pp.104-105.

95. See above, Chapter V, pp.170-171 and p.173.

other hand, schemes that were likely to promote property development, such as the building of hard roads or foreshore reclamation⁹⁶, were to some extent welcomed. But where they entailed additional taxation on property, opposition was also to be expected. Cape Town's élite merchants, however, did not share the same anxiety over property. Although they owned highly valuable houses, stores and landed estates⁹⁷, most of them were quite ready to accept taxes levied on property⁹⁸.

The commissioners and wardmasters also came into conflict over the question of the location of new public works. While the commissioners gave priority to the town centre⁹⁸ where most of them owned houses, shops and offices¹⁰⁰, the wardmasters were concerned about the disregard of the peripheral districts of the municipality. By restricting the allocation of funds for certain projects, they hoped to compel the commissioners to give some attention to the neglected quarters of the town¹⁰¹. After 1844, however, a growing number of former wardmasters and distressed proprietors began to move onto the Board of Commissioners¹⁰². From this point onwards, both commissioners and wardmasters closely agreed upon the need to minimise municipal expenditure in order to keep the tax on property as low as possible. This concern had been one of the principal reasons for the municipality's refusal to appoint street-keepers, while insisting that the police should be responsible for abating nuisances¹⁰³. It continued to have a major influence on municipal policy, especially after the

96. See above, Chapter IV, pp.138 and 143, and Chapter VI, p.200.

97. See above, Chapter II, pp.64-65.

98. See above, Chapter IV, pp.140-141.

99. See above, Chapter IV, pp.146-148 and 161-162.

100. See above, Chapter I, pp.32-33 and Chapter II, p.66.

101. See above, Chapter IV, pp.145-146.

102. See above, Chapter IV, pp.151-153.

103. See above, Chapter III, pp.98-99 and 103-104.

loss of revenue from market dues¹⁰⁴. To deal with the problem of expenditure, the commissioners searched for new sources of income¹⁰⁵, attempted to pass the job of repairing Cape Town's main roads on to the Central Roads Board¹⁰⁶, forced the butchers to pay for the upkeep of the Shambles¹⁰⁷, and obliged the Gas Company to take charge of erecting the street lighting¹⁰⁸. They also insisted on the strict enforcement of the municipal regulations in order to guarantee revenue from fines and licences¹⁰⁹. However, such policies were not always unanimously approved, for dissension, differences of interest and personality clashes at times disrupted relations amongst the commissioners¹¹⁰.

Another dimension of municipal politics was the relationship between the dominant white classes and Cape Town's 'coloured' population. The mid-century period was characterised by a hardening of racial attitudes following the emancipation of the slaves¹¹¹. There were clear instances of this growing antipathy towards 'men of colour'. Fears that the social order might be undermined and that the 'labouring classes' might be seduced into crime, drunkenness and idleness gave added force to the opposition to the liquor bill¹¹² and to the anti-convict movements¹¹³. The problem of vagrancy¹¹⁴ also widened the racial divide. At the same time, the town authorities showed a distinct lack of sympathy towards the 'poorer classes'. As has

104. See above, Chapter V, p.188 and footnote 115.

105. See above, Chapter IV, pp.153-154 and Chapter V, pp.188-189.

106. See above, Chapter IV, pp.154-155.

107. See above, Chapter IV, pp.156-157.

108. See above, Chapter IV, pp.160-161.

109. See above, Chapter IV, pp.158-159.

110. See above, Chapter IV, pp.162-164.

111. See above, Chapter I, pp.38-42 and Chapter IV, pp.133-134.

112. See above, Chapter IV, p.123.

113. See above, Chapter IV, pp.134-136 and Chapter VI, pp.200-201.

114. See above, Chapter I, pp.29 and 37.

been noted, the poorer quarters of the city were the most neglected by the municipality, as well as by the police¹¹⁵. Moreover, the tenants of hire houses were grossly exploited by Cape Town's landlords¹¹⁶, who formed a key faction amongst the municipal commissioners.

During the 1840s and 1850s there was also a close inter-connection between municipal and colonial politics. From its inception, the Municipality of Cape Town saw itself as a body which represented colonial opinion in general¹¹⁷, as a preliminary rung on the ladder of self-government¹¹⁸. At times it operated more as a political than a civic institution¹¹⁹. In 1841 the municipality took the lead in urging the colonial authorities to grant representative government to the Cape¹²⁰, a campaign in which it continued to play a central role. Frustrated by executive control over municipal affairs¹²¹, the subservience of the colonial government to Downing Street, and its failure to develop the resources of the colony, the rising commercial class allied to the municipality sought a remedy in a 'popular Assembly'¹²². However, guided by John Montagu, the colonial government initiated improvements such as new roads, bridges and harbour facilities. This still failed to satisfy the commercial class, for hard roads were financed by taxing property and the Harbour Board gave preference to the improvements demanded by the élite merchants¹²³.

Loss of faith in the merits of conciliar rule mounted

115. See above, Chapter IV, pp.159-160.

116. See above, Chapter IV, pp.138-139 and 166-167.

117. See above, Chapter IV, p.129 and Chapter V, p.169.

118. See above, Chapter IV, p.131.

119. See above, Chapter II, p.51.

120. See above, Chapter IV, p.130.

121. See above, Introduction, p.14 and Chapter III, p.91.

122. See above, Chapter IV, pp.130-131.

123. See above, Chapter VI, p.200.

sharply with the passing of the Market Relief Ordinance and the imposition of further road rates¹²⁴. The municipality became convinced that Montagu was a 'fearful enemy' bent on destroying its chartered rights¹²⁵. Spokesmen from the commercial class advocated constitutional reform and called on the colonists to fight for their political liberty¹²⁶. The Anti-Convict Crisis brought matters to a head. The urgent need for representative government seemed to be confirmed by the fact that the wishes of the colonists had been ignored¹²⁷, and by the refusal of both the Legislative Council and the Executive Council to prevail upon Sir Harry Smith not to receive the convicts¹²⁸. The municipality seized the opportunity to undermine and discredit the colonial government¹²⁹, to win popular support and to transform public discontent into a cry for self-government¹³⁰.

At the same time, the setbacks experienced by colonial joint stock companies revealed the limitations of local capital. Hopes of financial assistance from the British government were dashed by Earl Grey's rejection of the 1846 breakwater scheme¹³¹. The only way to finance the development of local resources without resorting to further taxation of property was to appropriate colonial revenue for the extension of public works¹³². To achieve this, the commercial class had to oust the conservative mercantile and landed élite from its privileged political position¹³³ and to gain control over the future Cape parliament.

124. See above, Chapter V, pp.190 and 195.

125. See above, Chapter V, pp.179, 186 and 194.

126. See above, Chapter V, pp.187, 191-192 and 196.

127. See above, Chapter VI, pp.201, 203 and 205-206.

128. See above, Chapter VI, p.204.

129. See above, Chapter VI, pp.204-205 and 206-208.

130. See above, Chapter VI, pp.210-211.

131. See above,, Chapter VI, p.199.

132. See above, Chapter IV, pp.132-133 and Chapter VI, p.199.

133. See above, Chapter VI, pp.215-216.

Constitutionally this implied a low franchise, reasonably low qualifications and minimum executive interference¹³⁴. In striving for this goal the commercial class was backed by the municipality, which began independently to devise its own constitutional scheme for the Cape¹³⁵, and to demand the abolition of the 'worthless' Legislative Council¹³⁶.

Sir Harry Smith's decision to invite the municipal and road boards of the colony to propose candidates for the Legislative Council presented the Cape Town Municipality with an opportunity to promote its own nominees. As a result of its electioneering, these men were returned at the head of the polls¹³⁷. Echoing the standpoint of the municipality, the 'popular' members refused to discuss any matter but the draft constitution. After their resignation from the council, the municipality rushed to their support. They were requested to frame an alternative constitution based on the wants of the colonists rather than the views of the officials, and to obtain sanction for it from the British government¹³⁸.

In the meantime, the municipality kept up a relentless petition campaign characterised by sharp practices. It demanded the ratification of the constitution drafted by the 'popular party', believing that this formula promised political authority to the commercial class¹³⁹. After the dismal failure of Fairbairn and Stockenstrom in their mission to London, the municipality insisted on the immediate implementation of the Constitution Ordinances, and even attempted to usurp the right of the Legislative Council to settle the details concerning the franchise and qualifications. Fearing that Montagu would wreck the

134. See above, Chapter VI, pp.211-214.

135. See above, Chapter VI, pp.211 and 216.

136. See above, Chapter VI, pp.214-215.

137. See above, Chapter VI, pp.217-218.

138. See above, Chapter VI, pp.216 and 221-222.

139. See above, Chapter VI, p.219.

proposed plan of representative government, the commissioners called for his dismissal¹⁴⁰. The municipality also used its position as the senior institution of local government to orchestrate support for its demands from some of the other municipalities of the colony¹⁴¹.

The political actions of the 'Town House party'¹⁴² deepened the rift between the mercantile élite and the commercial middle class. While the commercial class was bent on seizing political power, the élite merchants rallied behind the colonial government in reaction, for the influence they had so long exercised was under threat¹⁴³. The counter efforts of the mercantile élite to prevent the widening of political opportunity¹⁴⁴ were to no avail. The new constitution finally ratified in 1853 largely met the expectations of the commercial class and the municipal commissioners who shared their political ambitions¹⁴⁵. Indeed, five commissioners from the mid-century period were elected to the House of Assembly in 1854, along with John Fairbairn. Another three were voted into the Legislative Council in the same year¹⁴⁶. Referring to the promise of self-government, the municipal commissioners had remarked in October 1852 that the people of Cape Town 'look to us not to let the thing sleep, but to rise and fight their battle' against the few 'who are openly against us, and who proved that, when the colony was in danger

140. See above, Chapter VI, pp.222-224.

141. See above, Chapter VI, footnote 130 on p.217, and p.219 and footnote 147.

142. This was a phrase regularly used by Montagu. See, for example, BPP 130, pp.18 and 19.

143. See above, Chapter VI, pp.220-221.

144. See above, Chapter VI, p.220 and footnote 150.

145. See above, Chapter VI, p.223 and footnote 167.

146. H.C. Jarvis, J.M. Maynard, R.H. Arderne, L.P. Cauvin and C.J. Brand (who became the Speaker) sat in the assembly; J.H. Wicht, Advocate J. de Wet and D.G. van Breda (Michiel's son) were members of the council: R. Kilpin, The Romance of a Colonial Parliament (London, 1930), pp.122-163.

they would do nothing for it, but only for their own lucre'¹⁴⁷. By 1854 it appeared that the political contest waged against the mercantile élite by the municipality on behalf of the commercial class had ended victoriously.

147. Views expressed by J.M. Maynard and D. G. van Breda at a meeting of the municipal commissioners on 6 October: CTM, 9 October 1852.

A P P E N D I C E S

APPENDIX A

DE LIMA ALMANAC 1848

Occupation	I Waterfront	II Market Square	III Lion's Rump	IV Caledon Square	V Gardens	VI Constitution Hill	Total
1	47	81	127	87	23	44	409 (10%)
2	2	5	6	6	6	0	25
3	25	72*	43	31	14	18	203
4	5	29*	2	6	0	1	43
5	20	78*	29	35*	10	12	184 (4½%)
6	104	235*	142	117*	18	42	658
7	122*	174*	402*	171*	32	78	979 (24%)
8	303*	209	686*	189*	54	134	1575 (37%)
Totals	628*	883*	1437*	642	157	329	4076

Key1. Minor Civil Servants and Semi-Professionals

Clerks, messengers, bookkeepers, police officers, overseers, translators, sextons, storekeepers, midwives, Malay teachers.

2. Senior Civil Servants

Magistrates, judges, superintendents, justices of the peace, Attorney-General, etc.

3. Professionals

Doctors, surgeons, attorneys, solicitors, notaries, clergy, missionaries, printers, accountants, teachers, apothecaries, dentists.

4. Mercantile Élite

Wholesale merchants (import-export trade), shipping agents and shipping houses, wool merchants.

5. Commercial Class

Wine merchants (local trade), general agents, corn chandlers, auctioneers, brokers, conveyancers, distillers, bankers.

6. Tradesmen and Shopkeepers

Retailers (general dealers), jewellers, coppersmiths, butchers, bakers, tobacconists, haberdashers, hatters, grocers, innkeepers and publicans.

7. Artisans and Craftsmen

Tailors, dyers, coopers, dressmakers, shoemakers, carpenters, saddlers, wagon-makers, bricklayers, plumbers, blacksmiths, shipwrights.

8. Domestics and Labourers

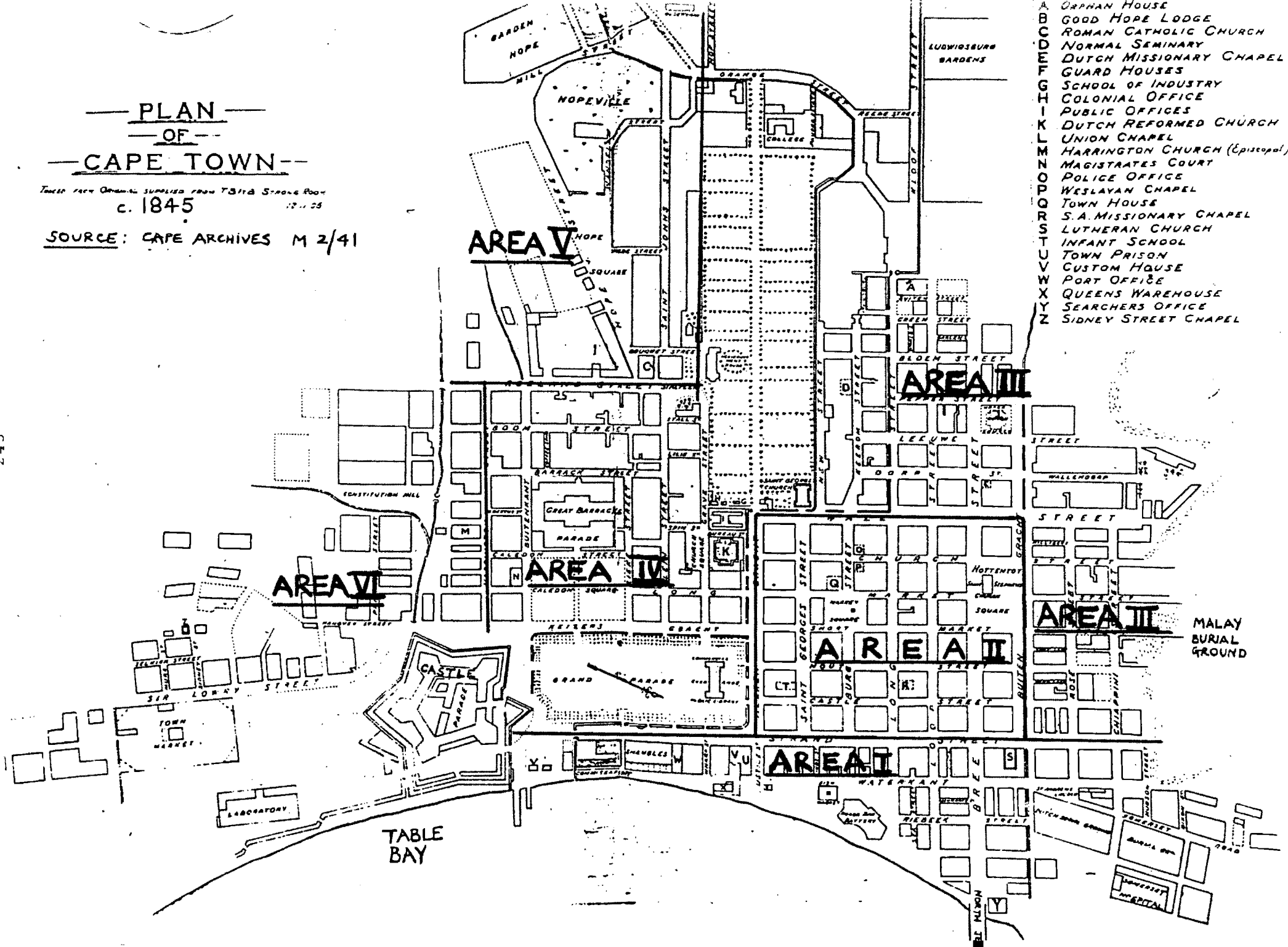
Laundress, coachman, gardener, groom, 'coolie', pastry cook, boatman, fisherman, sawyer, painter, thatcher, pedlar, mason.

PLAN
OF
CAPE TOWN

Taken from Original supplied from T. S. & S. Strong Foot
c. 1845

SOURCE: CAPE ARCHIVES M 2/41

- A ORPHAN HOUSE
- B GOOD HOPE LODGE
- C ROMAN CATHOLIC CHURCH
- D NORMAL SEMINARY
- E DUTCH MISSIONARY CHAPEL
- F GUARD HOUSES
- G SCHOOL OF INDUSTRY
- H COLONIAL OFFICE
- I PUBLIC OFFICES
- J DUTCH REFORMED CHURCH
- K UNION CHAPEL
- L HARRINGTON CHURCH (Episcopal)
- M MAGISTRATES COURT
- N POLICE OFFICE
- O WESLEYAN CHAPEL
- P TOWN HOUSE
- Q S. A. MISSIONARY CHAPEL
- R LUTHERAN CHURCH
- S INFANT SCHOOL
- T TOWN PRISON
- U CUSTOM HOUSE
- V PORT OFFICE
- X QUEENS WAREHOUSE
- Y SEARCHERS OFFICE
- Z SIDNEY STREET CHAPEL



APPENDIX B

ELITE MERCHANTS AND COMMISSIONERSLong-Standing Municipal Commissioners
Their Number of Years in Office,
Place of Birth and Religion and
Cultural AffiliationsLocal Boards
& Political InstitutionsLocal Bank
DirectorshipsJoint-Stock Directorships

H.C. Jarvis***, 20, London, Anglican, SAC	CE, Road Board, HB, HA, LC	LB, SB	EF, ML, Tramway Co., Railway & Dock Co, SA Mining
J.G. Blackenberg, 2 ⁺ , Cape Town, DRC, SAC		SB	PF
C.J. Brand*, 6, Simon's Town, DRC, SAC, 'Tot Nut'	LCA (1850), HA (Speaker)		
J.A.H. Wicht, 4, Cape Town, Lutheran, SA Missionary Society	HA	SAB	PF, BE
J.H. Wicht, 11, Cape Town, Lutheran, SI	Road Board, LC	CB, SB	EF, ML, EMA
J.H. Hofmeyr*, 8, Cape Town, DRC, SAC, 'Tot Nut'			PF
A. Brink (Ds), 5, Cape Town, DRC			
J.J.L. Smuts*, 4, Cape Town, DRC, SAC		CB	ASE (Hon. member)
J.M. Maynard, 8 ⁺ , England, Anglican	HA	UB	Wynberg Joint-Stock Co.
O.J. Truter, 5, Cape Town, DRC, SAC, Commission for Youthful Emigrants		UB	PF, BE
J. Cameron, 5, Scotland, Congregational, LMS			
E. Landsberg, 6 ⁺ , Germany, Lutheran	CE, Road Board, LC, CC	SB	EF, MA, EMA, TA
R.H. Arderne, 6 ⁺ , London, Congregational, SAL	HA, CC		EF, Tramway Co.
D.G. van Breda*, 6 ⁺ , Cape Town, DRC	Road Board, LC		PF
L.P. Cauvin**, 2 ⁺ , Paarl, DRC	HA		

Mercantile Elite, Their Dates of
Birth & Death, Place of Birth
Religion & Cultural Affiliations

A. Chiappini* (1776-1860), Italy, Roman Catholic	CE	GB, SB	FA, FL, Wharf Co.
H. Ross*** (1774-1853), Ireland, Anglican, SAC, SI, PS	CE, LCA, MC	GB, SB	TA, Wharf Co.
J. Stein* (1809-1891), England?, Anglican, SAL	CE, CC, HB (1848), HB (1860), LCA (1845), LC	UB	MA, Steam Nav. Co.
G. Thompson* (1796-1889), England, Anglican, LS, CS, SAL	CE	GB	MA, Railway & Dock Co., SA Mining
C.S. Pillans (1784-1849), Scotland, Presbyterian, LS, SAC	CE, LCA	GB, SB, CB	MA
G.W. Prince** (1796-1858), England, Anglican, SAC	CE	UB	MA
H.E. Rutherford (1795-1862), England, Anglican-Evangelical, SAC, SI, LMS, LS, PS	CE, Green Point Municipality, LC	GB, SB	TA, Gas Co., MA
W. Billingsley (1797-1873), Ireland, Anglican, SAC, SAL	CE, HB (1848)	GB	TA, MA, Steam Nav. Co., ML, Wharf Co.

<u>Mercantile Elite, Their Dates of Birth & Death, Place of Birth, Religion & Cultural Affiliations</u>	<u>Local Boards & Political Institutions</u>	<u>Local Bank Directorships</u>	<u>Joint-Stock Directorships</u>
J.B. Ebden** (1787-1873), London, Anglican, SAC, SI, SAL, PS	CE, CC, LCA, HB (1848), Road Board	GB, SB	Railway & Dock Co., Steam Nav. Co., FL, Natal Cotton, FA, EF, ML
H. Watson** (1798-1869), England, Anglican, (MB)	CE, CC, MC	GB	TA, MA, Steam Nav. Co., Wharf Co., FA, Gas Co.
R.W. Eaton, England, Anglican, SI, PS	CE & CC (Secretary 1830-1862)	SB	TA, MA, FA, Wharf Co.
J. Letterstedt* (1796-1862), Sweden, Lutheran (MB)	LCA (1849), MC	GB	FA
W.G. Anderson (1804-1892), Ireland, Anglican, Humane Society	CE, CC, MC	SB	EF, ML
T. Ansdell (1799-1873), Liverpool, Anglican, SAL	CE, CC, HB (1860)	SB, GB	TA, MA, Steam Nav. Co., SA Mining, Wharf Co., FA, ML
E. Christian (1794-1869), England, Anglican, SAC, PS	CE, LCA (1851-53), HB (1848)	SB, CB	Wharf Co. (Agent for 3 London Insurance Cos)

Sources: Cape Town Almanac
 DSAB
 M. George, 'J.B. Ebden'
 R.F.M. Immelman, Men of Good Hope.

Key

Local Boards

CE = Commercial Exchange (1822)
 CC = Chamber of Commerce
 HB = Harbour Board
 LCA = Legislative Council (to 1854)
 LC = Legislative Council (post 1854)
 HA = House of Assembly

Joint-Stock Companies

EF = Equitable Fire & Life Ass. Co. (1844)
 PF = Protecteur Fire & Life Ass. Co. (1838)
 EMA = Equitable Marine Ass. Co. (1849)
 ASE = SA Association for Administration & Settlement of Estates (1836)
 MA = Cape of Good Hope Marine Ass. Co. (1838)
 Cape of Good Hope Steam Navigation Co. (1836-1845)

Cultural Affiliations

SAC = South African College Council (1829)
 LMS = London Missionary Society
 LS = SA Literary & Scientific Institution (1830)
 'Tot Nut' = Tot Nut van't Algemeen (1804-1870)

Banks

SB = Cape of Good Hope Savings Bank (1831)
 GB = Cape of Good Hope Bank (1837)
 SAB = South African Bank (1838)
 CB = Colonial Bank (1844)
 UB = Union Bank (1847)

Joint-Stock Companies

ML = Mutual Life Assurance Society (1845)
 FL = SA Fire & Life Assurance Co. (1831)
 BE = Board of Executors (1838)
 FA = Cape of Good Hope Fire Association (1835)
 TA = Cape of Good Hope Truse & Assurance Co. (1835)
 SA Mining = South African Mining Co. (1846)
 Cape Town Railway & Dock Co. (1853)

Cultural Affiliations

SI = South African Infant Schools (1830)
 PS = Philanthropic Society (1828-1834)
 CS = Colonial Church Society

* Member of the Agricultural Society
 ** Prominent Wine Merchants in 1820s
 *** Member of the Agricultural Society and Prominent Wine Merchant
 + Also held office post 1854 or 1860s
 MC Commissioner on Cape Town Municipality

APPENDIX C

MERCHANT HOUSES OF CAPE TOWN

<u>Company Name, Address (c. 1855) & Nature of Business</u>	<u>Proprietor/Partners</u>	<u>No. of Correspondents Principal World Towns</u>
Chiappini & Co. (est. 1803), St George's Street: Wholesale dealers, commission & shipping agents	Antonio Chiappini (CT 1797*) (CE/Ch) Edward Chiappini (son) (CE/Ch)	3 (London) (+ Natal = W. Gadney)
Phillips & King (est. 1804), St George's Street: Merchants, commission agents & consignees of shipping; Consulate for Prussia	August John Phillips John King (CE)	+6 (including Phillips King & Co., London)
Ross & Co. (est. 1805), Adderley Street: General commission agents, wholesale dealers & consignees of shipping; Foreign agency for London Assurance Corp.	Hamilton Ross (CT 1803) (CE/Ch) John Stein (CE/Ch) John Ross (H's nephew) (CE)	13 (including London)
Deane & Johnson (est. 1817) ¹ , Adderley Street: General commission agents & consignees of shipping	John Deane (CT 1816) (CE) Thomas Johnson (CT 1814) (after c. 1830s)	13 (including London)
Borradaile, Thompson & Allans (later & Hall) (est. 1817 (1818)), Adderley Street: Merchants and consignees; Foreign agency for Oriental Bank Corp. and Agent for Imaum of Muscat	Abraham Borradaile (until 1840) George Thompson (CT 1818) (CE) Charles Stuart Pillans (CT 1823) (CE/Ch) Edward Hall (CE)	23 (including Abraham Borradaile, London)
Prince, Collison & Co. (est. 1818) ² , Strand Street: General commission agents, wholesale wine and corn merchants, proprietors of steam mill	John Collison (CT 1815) (CE) Francis Collison (CT 1822) (CE) George Sampson Prince	10 (including Francis Collison in London)
H.E. Rutherford and Brother (est. 1818), Burg St: General commission and shipping agents	Howson Edwards Rutherford (CT 1818) (CE/Ch) Henry Bell Rutherford (Grahamstown office)	9 (+ Natal = G.Cato + Port Elizabeth branch & London)
W. Dickson & Co. (est. 1818), Adderley Street: Merchants, general commission agents and consignees of ships; Foreign agency for Honourable East India Co., Ceylon Government, Lloyd's, Alliance Assurance Co. of London, London Chartered Bank of Australia, South Australia Co. and Bank of South Australia	William Dickson ³ Thomas Bowman Venn William Burnie William Henderson	13 (including W. Dickson & Co., London)
G. Greig & Co. (est. 1823), St George's Street: Merchants, importers, general commission and shipping agents; Foreign agency for Consulate of Turkey and China, E.I. Co. London	George Greig (CT 1823) William Greig (until 1850)	10 (including George Greig London)
W. Billingsley (est. 1824), Hout Street: Wholesale dealer and commission agent (merchant and ship- owner)	William Billingsley (CT 1818) (CE/Ch)	11 (including London)
Ebden & Co. (est. 1825) ⁴ , St George's Street: Importer/exporter, merchant and shipping agent; Foreign agency for Eagle Insurance Co. London	John Bardwell Ebden (CT 1806) (CE/Ch) George Norman Ebden (son) (after 1845)	7 (Branch in Port Elizabeth)
Thomson, Watson & Co. (est. 1825 (1827)), Adderley Street: Importers, general commission agents & consignees of shipping; Foreign agency for Consulate for Spain, Portugal, Sardinia and Belgium, Agents for 12 French insurance companies, Others including Bank of Australasia, Maatschappij of Amsterdam, & English, Scottish and Australian Chartered Bank	John Robert Thomson (CT 1807) (CE) Harrison Watson (CT c. 1814) (CE/Ch) Thomas Watson (born CT 1814) (CE/Ch)	15 (including J.R. Thomson & Co., London + branch in Port Elizabeth)
E.G. Landsberg (est. 1828), Market Square: Wholesale dealer, general commission and shipping agent	Ernst Godfried Landsberg (CT 1818) (CE)	4 (including F. Collison, London + Natal = Shiffman & Co.)

<u>Company Name, Address (c. 1855) & Nature of Business</u>	<u>Proprietor/Partners</u>	<u>No. of Correspondents Principal World Towns</u>
Dobie & Co. (est. 1830), Castle Street: Commission merchants (brokers) & shipping agents	Richard Paxton Dobie (CE) Richard Webber Eaton (CT 1818) (CE/Ch)	7 (+ Natal = J. Brown & London)
Twentyman & Co. (est. 1834), Adderley Street: Merchants, general commission & shipping agent	Lawrence Holme Twentyman (CT 1818)	Correspondents unknown
Rudd & Co. (est. 1838), St George's Street: General commission & shipping agents; Foreign agency for Phoenix Fire Insurance Co. (London) and London Joint-Stock Bank	Henry Rudd of London T. Jones (CT agent) 5	3 (including London)
Letterstedt & Co. (est. 1840), Prince Street: Merchants, dealers in corn, general commission and shipping agents, steam mill; Foreign agency for Consulate for Norway and Sweden	Jacob Letterstedt (CT 1822) (links with CE)	5 (including W. Dickson & Co., London)
Suffert (est. 1845), Address unknown: Importers, exporters, general commission & shipping agents; Consulate for Brazil, Foreign agency for Flanders & Bremen Insurance Co.	H. & E. Suffert	8 (including London)
Anderson, Saxon & Co. (est. 1851), St George's St and W. & H. Anderson & Co. (Simon's Town) (est. 1843): Wholesale dealers & commission agents	William James Anderson (born Simon's Town 1827) Henry Maynard Anderson (born Simon's Town 1830) George Saxon of London Edward Eagar	7 (including G.Saxon of London)

*CT 1797 = settled in Cape Town in 1797

CE = Member of the Commercial Exchange
Ch = Chairman of the Commercial Exchange

Sources: Table adapted from 'List of principal CONSIGNEES of SHIPS at the CAPE of GOOD HOPE' in E. Blancheton (ed), Universal Exhibition, 1855 (Colony of the Cape of Good Hope), (Cape Town, 1855) pp.45-56.

P. Philip, British Residents at the Cape, 1795-1819 (Cape Town, 1981).

R.F.M. Immelman, Men of Good Hope (Cape Town, 1955)

Cape Town Almanac
TTD, vols 25 and 25a.

- Notes:
1. Originally Deane & Co. (1817) licensed to sell European wines and local product. P. Philip, p.93.
 2. Originally John Collison & Co., founded by proprietor shortly after arriving at Cape. DSAB, vol.IV, p.90.
 3. These partners bought two shares in the 'New Mercantile Exchange' in April 1842 (TTD, vol.25a, p.75) but it seems that only T.B. Venn resided in Cape Town. (He occupied the company's premises in Adderley Street: Post Office Directory, 1855, p.26.) It is therefore supposed that it was a London-based company.
 4. M. George, 'J.B. Ebdon', p.100.
 5. R.F.M. Immelman, p.225.
 6. Originally Anderson & Son, Simon's Town, founded in early 1830s by William Anderson (senior), Men of the Times (Johannesburg, 1906), p.252.

APPENDIX D

SYNOPSIS OF ESTATES

<u>Commercial Class on Municipality</u>	<u>Savings</u>	<u>Shares & Investments</u>	<u>Bonds, Etc.</u>	<u>Fixed Property</u>	<u>Business Capital*</u>	<u>Total Value of Estate</u>	<u>Balance for Distribution**</u>	<u>Year & MOOC Reference</u>
R.E. Arderne (timber merchant)	£ 1 128 (3%)	£ 750 (2%)	£18 191 (43%)	£20 180 (48%)	-	£42 019	£36 776 (87%)	1886 13/1/482 (108)
A. Brink (Ds) (banker & sheep farmer)	-	£ 1 195 (3%)	£29 960 (76%)	£ 6 525 (17%)	-	£39 130	£ 1 860 (5%)	1865-Insolv. MOIB 2/1056 (57)
L.P. Cauvin (auctioneer)	£ 1 178 (8%)	£ 6 800 (45%)	£ 3 527 (24%)	£ 3 272 (22%)	£ 2 210 (15%)	+£15 000	£ 346 (3%)	1885 / 1887 13/1/452 (75) 13/1/499 (1)
H.C. Jarvis (wine merchant)	£ 200	£ 1 750 (10%)	£ 1 055 (6%)	£ 4 825 (27%)	£ 9 250 (52%)	£17 799	-£4 284	1865-Insolv. MOIB 2/1078 (238)
C.F. Juritz (apothecary)	£ 1 206 (20%)	£ 707 (12%)	-	£ 3 238 (55%)	£ 750 (13%)	£ 5 859	£ 1 522 (26%)	1886 13/1/228 (71)
F.H. Kunhardt (apothecary)	£ 1 700 (20%)	£ 252 (3%)	£ 4 800 (57%)	£ 1 600 (19%)	-	£ 8 352	£ 7 303 (87%)	1852 13/1/149 (58)
J.J.L. Smuts (businessman)	-	£ 795 (19%)	£ 925 (22%)	£ 1 278 (30%)	-	£ 4 259	£ 3 020 (71%)	1871 13/1/269 (61)
O.J. Truter (attorney)	£ 2 172 (14%)		£ 2 935 (19%)	£ 5 926 (38%)	£ 3 850 (24%)	£15 771	£ 3 098 (20%)	1868 13/1/240 (43)
J.A.H. Wicht (draper & ironmonger)	£ 3 514 (3%)	£ 2 852 (2%)	£30 030 (25%)	£55 232 (45%)	£30 365 (25%)	£122 344	£89 464 (73%)	1867 13/1/233 (11)
J.H. Wicht (businessman)		£ 3 491 Sold prior to Insolv.		£ 7 454 (99%)		£ 7 522	£ 6 495	1871-Insolv. MOIB 2/1308 (64)
D.G. van Breda (agriculturalist)		£ 1 139 (17%)	£ 500 (8%)	-	£ 2 410 (64%) in 2nd account	£ 6 546	£ 450 (7%)	1871 / 1873 13/1/270 (64) 13/1/289 (7)
J.M. Maynard	£ 9 422 (9%)	£25 988 (25%)	£ 4 293 (4%)	£61 597 (60%)		£103 020	£99 945 (97%)	1874 / 1875 13/1/318 (44) Will 7/1/338 (75)

<u>Mercantile Elite</u>	<u>Savings</u>	<u>Shares & Investments</u>	<u>Bonds, Etc.</u>	<u>Fixed Property</u>	<u>Business Capital*</u>	<u>Total Value of Estate</u>	<u>Balance for Distribution**</u>	<u>Year & MOOC Reference</u>
W.G. Anderson (merchant & shipping agent) (MC)	£ 2 988 (3%)	£ 6 420 (6%)	£13 043 (12%)	+£40 000 (38%)	£ 7 830 (7%)	£105 690	£102 690 (96%)	1894 13/1/689 (120)
T. Ansdell (merchant)	£ 3 816 (20%)	£11 441 (59%)		£ 2 925 (15%)	-	£19 258	£18 743 (97%)	1874 13/1/298 (58)
W. Billingsley (merchant & ship owner)	£ 2 487 (30%)	£ 5 892 (70%)	Died in London: Left only shares at Cape			£ 8 379	£ 7 520 (90%)	1873 13/1/293 (46)
A. Chiappini (merchant & shipping agent)	£ 1 500	£ 270		£ 2 250	-	£ 870	-£2 380	1856-Insolv. MOIB 2/837 (130) 2nd acc.
E. Christian (merchant & commission agent)	£ 33	£ 2060 (24%)	£ 1 500 (18%)		£ 4 892 (58%)	+£8 500	£ 3 666 (43%)	1883 13/1/413 (30)
J.B. Ebdon (merchant, financier & entrepreneur)	£ 2 587 (6%)	£11 093 (27%)	£10 127 (24%)	£ 1 000 (3%)	£ 6 500 (16%)	£41 837 (1st acc. only)		1874 13/1/304 (59)
J. Letterstedt (MC) (merchant, entrepreneur, importer-exporter)	£ 3 560 (3%)	£ 2 356 (2%)		£40 526 (37%)	£59 061 (54%)	£109 305	£60 722 (65%)	1864 / 1867 13/1/210 (16) 13/1/233 (27/8)
C.S. Pillans (merchant)			£ 1 000 (11%)	£ 7 362 (84%)	-	£ 8 763	£ 5 566 (64%)	1883 13/1/403 (1) 13/1/423 (12)
H. Ross (MC) (merchant, ship owner, importer-exporter)		£ 580 (1%)	£ 5 415 (10%)	£ 8 100 (15%)	£37 062 (67%)	£55 457	£39 768 (72%)	1855 13/1/161 (37-40)
H.E. Rutherford (merchant & shipping agent)	£ 4 000 (14%)	£ 3 300 (12%)		£ 6 300 (23%)	£14 222 (51%)	+£28 000	£20 000 (71%)	1862 (Will) 7/1/260 (46-7)
M. Thalwitzer (wool merchant) (MC)		£ 316 (3%)	£ 739 (7%)	£19 391 (50%)	£ 2 934 (29%)	£10 146	£ 4 544 (45%)	1858 13/1/174 (69-70)
J.R. Thomson (merchant & importer-exporter)		£ 640		£34 125 (98%)	-	£34 709	£28 576 (82%)	

Savings incorporate bank balances and life assurance policies

Shares & Investments are made up of fixed deposits and investments in banks, insurance companies, joint-stock companies, mining, railways

Bonds, Etc. incorporate mortgages, debentures and rent

Landed Property is situated in Cape Town, the Cape District and the Cape Colony

Business Capital incorporates stock-in-trade and the balance in partnerships

Balance for Distribution** (or 2nd Account)

Percentage figures in parentheses reflect the percentage of total estate

MC = Municipal Commissioner

Insolv. = Insolvent estate

APPENDIX E

PROPERTY OWNERSHIP c. 1842

<u>Men of Commerce on Municipality</u>	<u>In Cape Town</u>	<u>Cape District</u>	<u>Outside Cape Town</u>	<u>Value c. 1842</u>
H.C. Jarvis (Businessman)	1H + g, 7 HH (I)			£2 350 (Insolvent in 1864)
J.H. Wicht	(Unmortgaged property CT & district E7 454)	3 lots ground Mowbray 1H+g Kalk Bay	3 Farms Free State (Sold E1 600)	Details ex. insolv. estate 1871
C. McKenzie (merchant & landlord)	1H + 2 Shops (II), S (IV), 10HH + HG (VI)	Land (E500) (1835-7)	Land: District Stellenbosch E150 (1838)	£7 720
J.A. Bam (corn chandler)	1H, 2S (II), 2S, H+g (III)			£4 100
O.M. Bergh (wine merchant)	1H+g (I), 3H, 3S (II)			£4 900
B. Norden (trader)	1H (II), 1H (III)		Land: District Colesberg E250 (1841)	£2 750
H. Sherman (ironmonger & retailer)	H + S (II), 3H (IV)	Woodland Cottage, Rondebosch		£6 500
C.F. Juritz (apothecary & businessman)	1S (II)			+£1 200
F.H. Kunhardt (businessman)	1H, 1S, 2 Shops (II)			£4 050
J.J.L. Smuts (businessman & financial agent)	2H + S (II), 11 HH, 2H, H + g (V)			£9 500

<u>Elite Merchants</u>	<u>In Cape Town</u>	<u>Cape District</u>	<u>Outside Cape Town</u>	<u>Value c. 1842</u>
H. Ross (merchant & agriculturalist)	S+g (I), 4H+S (II), H+G (III)		2 Farms: District Swellendam £2 000 (1841)	£6 885
J. Letterstedt (entrepreneur & shipping agent)	1H, 3S (II), 1H (III), 1H + Mill (IV)	CS, 'Mariendahl'; Land: Rondebosch £242 (1836), Wynberg £150 (1834)		£7 392 (excl. CS)
M. Thalwitzer	1H, 1S (II), H+G, 3H, 2S, 1 lot (V)	CS, Little Saxony, Newlands Land: Papenboom Estate, Rondebosch £260 (1836)		£5 085 (excl. CS)
Phillips & King (merchants & shipping agents)	2S (I), 1B (II)			£4 500
W. Billingsley (merchant & ship owner)	2S (I), 2H, 1S (II)	CS, 'Vineyard', Newlands		£7 500 (excl. CS)
Deane & Johnson	1H, 3S (I), 1H+S (II), 1 lot (III), 1H+S (IV)			£7 900
J.B. Ebdon (financier & entrepreneur)	1S (II), 1S + yard (IV)	Ecklenberg Estate £900 (1835-41); CS Belmont Estate		£5 650 (excl. CS)
Chiappini & Co. (merchant & shipping agent)	2H, 1 CH (II), 1H (III)	Estate £1150 (1839); Farm £412 (1841)	Farm: Uitenhage District £450 (1833); Farm: Beaufort District £340 (1841)	£3 402
G.W. Prince (entrepreneur)	Bakery, S + yard (I), H+Mill + Stores (V)	CS, 'Woodlands'; Land, wind- mill, stores in Rondebosch £2 785 (1835-1841)	Land: District Beaufort £150 (1841); Estate: District Swellendam £150 (1829)	£11 185 (excl. CS)
Thomson, Watson & Co.	5H, 2S (II), 2H, 2S (III), 1H, 2S (IV), 1H (V)	H. Watson: CS, 'Stanhope House, Claremont	H+g Stellenbosch £225 (1830); H+g Port Elizabeth £677 (1830); Land: Uiten- hage £225 (1840); 28 Farms Districts Beaufort & Graaff Reinet £7 412 (1840-41)	£20 014 (excl. CS)

<u>Prominent Citizens</u>	<u>In Cape Town</u>	<u>Cape District</u>	<u>Outside Cape Town</u>	<u>Value c. 1842</u>
C.J. Brand (Advocate & editor ZA)	6H, 2 cottages, H+G (III)			£5 300
P.B. Borchers (Resident Magistrate)	2H, 6HH (I)	CS, 'Belle-vue', Wynberg (1845)		£3 000 (excl. CS)
Baron de Lorentz (Head of Police)	H+G (III)			£1 500
Baron von Ludwig (botanist)	H+S (II), H+S, H+G (III)			£8 000
Sir John Wylde (Chief Justice, 1827-55)	H+G (V)			£2 600
Dr James Abercrombe (surgeon)	H+S (II)			£3 500

Key

CH = Country House	I = Waterfront
HH = Hire House	II = Market Square
H = House	III = Lion's Rump
S = Store	IV = Caledon Square
CS = Country Seat	V = Gardens
G = Garden	VI = Constitution Hill
g = Ground	

Sources: 3/CT 7/1/2/1/1 (Street Roll, 1842)
TTD, Vols 23, 24, 26
Cape Town Almanac

APPENDIX F

LANDLORDS IN CAPE TOWN (1842-54)

Name	Area	Number of Properties (Hire Houses)
W.F. Bergh (MC)*	Waterfront	19
F.S. Berning (MC)	Waterfront	19 (Berning's Buildings)
P.B. Borcherds	Waterfront	6 (Knifte Steeg)
A. Brink (Ds) (MC)	Lion's Rump	+ 50
C.P. Brink	Lion's Rump	26 (Inherited from A.F. Carstens)
J. Cameron (MC)	Constitution Hill	10 (Hope Lane)
A.F. Carstens (MC)	Lion's Rump	(See C.P. Brink)
A.N.E. Changuion	Waterfront	18 (Mossel & Roose Steegs)
L.P. Cauvin (MC)	Constitution Hill	6
D. Denyssen	Waterfront	18 (Krabbe & Lynde Steegs)
J.W. Glynn	Caledon Square	19 (Including Glynn Square)
C.L. Herman (MC)	Constitution Hill	18 (Herman's Lane)
H.C. Jarvis (MC)	Waterfront	7 (Jarvis Buildings)
G.T. Kemp	Off Somerset Road	6 (Kemp's Buildings)
P.W. Keytel	Gardens	9 (Vredenberg Steeg)
J. McGregor	Constitution Hill	12
C. McKenzie (MC)	Constitution Hill	8 (McKenzie Street)
J.M. Maynard	Caledon Square	3 (Boom Street) + Extensive property in town centre + 6 plots of ground in District 12
G.N. Mechau (MC)	Waterfront	Mechau's Buildings
G.H. Meyer (MC)	Waterfront	9 (Around Riebeeck Street)
P.J. Pentz (MC)	Lion's Rump	16 (Pentz Street)
J.J.L. Smuts (MC)	Gardens	11 (Hope Lane)
J.W. Stuckeris	Constitution Hill	15 (Muir & Stukens Streets)
J.H. Vanreenen (MC)	Constitution Hill	10 (Muir Street)
M.C. Vos (father of J.H.)	off Somerset Road	10 (Including Vos Lane)
F.S. Watermeyer (Sr) (MC)	Lion's Rump	5 (Watermeyer Lane)
J.M. Wentzel (MC)	Caledon Square	6 (Stal Street)
J.A.H. Wicht (MC)	Waterfront, Lion's Rump and Constitution Hill	Extensive property, including 27 plots of ground in District 12 and 45 plots off Somerset Road
J.H. Wicht (MC)	Lion's Rump and Waterfront	+ 25

Note

- (a) This is only a sample of the more prominent landlords.
- (b) These properties were not listed as 'hire houses' but were deduced to be so from their location and their valuation.

* (MC) = Municipal Commissioner

Source: J/CT 7/1/2/1/1 and 7/1/2/11 (Street Rolls for 1842 and 1854).

APPENDIX GOCCUPATIONS OF WARDMASTERS

Classification (Based on Appendix A)	1842	%*	1849	%*
Minor Civil Servants	2	2,4	0	
Senior Civil Servants	0		0	
Professionals	11	13,3	3	8,1
Entrepreneurs	0		0	
Commercial Class	16	19,3	8	21,7
Tradesmen & Shopkeepers	22	26,5)	12	32,4)
Artisans & Craftsmen	14	16,9)	14	37,8)
Domestics & Labourers	0		0	
Landowners	3	3,6	0	
Occupation Unlisted	<u>15</u>		<u>0</u>	
Sub-Total	83		37	
Vacancies	<u>13</u>		<u>11</u>	
Total	96		48	

*Of wardmasters actually serving

Source: Almanac, 1843, 1850

Note : Ordinance No. 14 of 1848 reduced the number of wardmasters from two to one per ward (clause 6): CCP 6/6/1/1 (Statute Law 1714-1853, p.911.

WARDMASTERS WHO BECAME COMMISSIONERS

Wardmaster	First Year as Commissioner
B. Norden	1840 - 41
J.H. Vos	1840 - 41
C. McKenzie	1840 - 42
C.F. Juritz	1840 - 43
J.H. Holtman	1840 - 43
A.F. Carstens	1840 - 45
L.P. Cauvin	1841 - 46
J.J. Luyt (Sr)	1840 - 46
R.H. Arderne	1844 - 46
H. Sherman	1844 - 46
J. Cameron	1842-46, 1849
J.A. Bam	1840 - 47

Source: Almanac

APPENDIX H

MUNICIPAL COMMISSIONERS

Name and Occupation	Dates	Place of Birth	Dates of Office	Political Office	E/D*	Classification
A) 1840-1847						
H.C. Jarvis Wine Merchant, Entrepreneur, Landlord**	1803-1889	London	1840 - 1859	HA & LC	E/A	5/9
G.H. Meyer Landed proprietor & Landlord	1779-1845	Division of George	1840-43, 1845	-	Af.	5
H. Ross Merchant, Ship- owner, Agriculturalist	1774-1853	Ireland	1840 - 1842	LCA	E/A	4/9
P.M. Brink Businessman ('capitalist')	1786-1856	Cape Town	1840 - 1841	-	Af.	5
F.S. Watermeyer (Sr) Accountant, Landlord**	1797-1847	Cape Town	1842	-	G/L	3
W.G. Anderson Merchant and Shipowner	1804-1893	Ireland	1841 - 1843	-	E/A	4
C.J. Brand Advocate, Journalist	1797-1875	Simon's Town	1840 - 1845	Speaker HA	Af.	3
J.A.H. Wicht Retailer, Businessman, Landlord**	1806-1866	Cape Town	1840 - 1843	HA	G/L	5
J.H. Hofmeyr Advocate and Notary	1796-1877	Cape Town	1840 - 1847	-	Af.	3
C.L. Herman Merchant, Landlord**	?	Cape	1840 - 1841	-	Af.	5
J. Letterstedt Merchant, Entrepreneur	1796-1862	Sweden	1842, 1846-47	-	S/L	4/9
H. Sherman Retailer, Hard- ware Importer	1804-1864	London	1841 & 1849	-	E/A	5
R. Waters Merchant, Town Treasurer (1844-48)	1765-1848	England	1840	-	E/A	5
M. van Breda Wool & Wine Farmer	1775-1847	Cape Town	1840 - 1843 (Chairman)	LCA	Af.	9
M. Thalwitzer Wool Merchant Consul for Hanseatic Cities	1795-1858	Saxony	1841 - 1842	-	G(J)/ DRC	4/9
H. Cloete (Ls), Advocate (Later Cape Judge)	1792-1870	Cape Town	1840	LCA	Af.	3
S. Oliver Merchant, Director on Board of Executors	1784-1869	London	1840	-	E/A	5

Name and Occupation	Dates	Place of Birth	Dates of Office	Political Office	E/D*	Classification
H. Watson Merchant, Shipping Agent, Pioneer in Wool Farming	1798-1869	England	1843 & 1845	-	E/A	4/9
A. Brink (Ds) Banker	1789-1873	Cape Town	1843, 1846-48 1850	-	Af.	5
W.F. Bergh Road Magistrate (Later Civil Comm. Malmesbury) Landlord	1795-1861	Cape Town	1843	-	Af.	2
C. McKenzie Businessman, Landlord	1785-1849	Scotland	1843 - 1845	-	E/P	5
F.S. Berning Wine Merchant, Businessman, Landlord	1795-1869	Cape Town	1844 - 1845	-	Af.	5/9
F.H. Kunhardt Apothecary	1806-1850	Germany	1844, 1846-47	-	G/L	3
J.H. Wicht Retailer and Businessman, Landlord	1808-1867	Cape Town	1844 - 1854	LC	G/L	5
P.J. Pentz Wine Merchant, Pound Master, Landlord	1780-1860	Cape Town	1844	-	G/L	5/9
B. Stone Landed Gentleman	1798-1864	England	1844 - 1846	-	E/A	(4)
J.M. Wentzel Land Surveyor, Director of Board of Executors	1793-1861	Cape	1844 - 1847	-	Af.	5
J.J.L. Smuts Businessman Conveyancer	1785-1869	Cape Town	1844 - 1847	-	Af.	5
J.A. Holtman Haberdasher, Later General Dealer	?	Cape	1845	-	Af.	5
A.F. Carstens Landlord	1788-1849	Cape Town	1846 - 1848	-	Af.	5
J.S. Leibbrandt (Sr) Wine Merchant	1794-1855	Cape Town	1846 - 1847	-	Af.	5/9
J.H. Vanreenen Bank Director, Former Captain in Bengal Army, Landlord	1804-1867	India (Anglo- Indian)	1846	-	E/A	5

Name and Occupation	Dates	Place of Birth	Dates of Office	Political Office	E/D*	Classification
<u>B) 1848-1854</u>						
H.C. Jarvis	See above					
J.M. Maynard Landed Proprietor Landlord, Businessman	1800-1874	England	1848-55, 1860s	HA	E/A?	5
O.J. Truter Attorney and Conveyancer, Consul for Netherlands, President, Board of Executors	1797-1867	Cape Town Son of Chief Justice, Sir J.A. Truter	1847 - 1851	-	Af.	3/5
J.H. Wicht	See above					
J.J. Luyt (Sr) Smith	1790-1858	Cape Town	1848	-	Af.	7
J.G. Blackenberg Merchant	1786-1875	Cape Town	1848-1849 & 1856 - 1860	-	Af.	5
J.H. Vos Wine Merchant	1816-1856	Cape Town	1849 - 1850	-	Af.	5
D.G. van Breda Agriculturalist	1803-1870	Cape Town (Son of M. van Breda)	1848 - 1860 Chairman 1860s	LC	Af.	9
G.N. Mechau Butcher, Land- lord	1800-1854	Stellenbosch	1849 - 1851	-	G/L	5
J. Barry Merchant in Colonial Trade	1807-1871	London	1849	HA	E/A	5/9
C.F. Juritz Apothecary, Director, Gas Light Co.	1798-1862	Poland	1849 & 1856	-	G/L	3/5
J.A. Bam Corn Chandler, Member Agric. Society	1800-1879	Cape Town	1850 - 1851	HA	Af.	5/9
A. Brink	See above					
F.G. Watermeyer Accountant and General Agent, Town Treasurer (1840-1843)	1798-1883	Germany	1850 - 1851	-	G/L	5
J. Cameron Architect, Engineer, Missionary, Landlord	1800-1875	Scotland	1850 - 1854	-	E/C	3/5
L.P. Cauvin Auctioneer, Landlord	1810-1883	Paarl	1850 - 1851 Mayor 1860s	HA	Af..	5
O.M. Bergh (Ms) Wine Merchant	1809-1873	Cape Town	1851 - 1859	-	G/L	5
E.G. Landsberg Merchant Banker, Extensive Farm- ing	1799-1895	Germany	1850 - 1855 and 1860s	LC	G	5/9

Name and Occupation	Dates	Place of Birth	Dates of Office	Political Office	E/D*	Classification
C.P. Brink (As) Butcher, Landlord	?	Cape Nephew of P.M. Brink	1852 - 1855	-	Af.	5
R.H. Arderne Timber Merchant, Businessman, Landlord	1802-1885	London	1852 - 1858 and 1860s	HA	E/C	5
J.M. Louw General Dealer	1813-1860	Cape Town	1852 - 1855	-	Af.	5
J. de Wet Advocate, Businessman, Landlord	1794-1875	Cape Town Nephew of J.J.L. Smuts	1853	LC	Af.	3/5
P.A. Brand General Agent, Journalist	1808-1872	Cape Town C.J. Brand's Brother	1854 - 1855	HA	Af.	5/3/9
B. Norden Merchant and Trader in Ivory, Guano & Colonial Produce	1798-1877	England	1847 - 1849	-	J	5/9

Key

Af. = Afrikaner E = English G = German J = Jewish
S = Swedish A = Anglican C = Congregational L = Lutheran
P = Presbyterian

LCA = Legislative Council (pre 1854)
HA = House of Assembly (post 1854)
LC = Legislative Council (post 1854)

Occupations	1840-47	1848-54	Place of Birth	1840-47	1848-54
2. Senior Civil Servants	1) 19%	0) 21%	Britain	9 28%	6 25%
3. Professionals	5)	5)	Europe	3 9%	3 13%
4. Mercantile elite	5 16%	0	Cape Colony	19 59%	15 62%
5. Commercial class	19 59%	18 75%	Other	1	0
9. Agricultural interests Landlords	9 28% 12 38%	7 29% 9 38%	Total	32	24
Total Number of Commissioners	32	24			

Ethnicity

English	10 31%	5 21%
Afrikaner	15 47%	12 50%
German	6 19%	6 25%
Jewish	0	1
Other	1	0
Total	32	24

Religious Affiliation

Anglican	9 28%	3 12%
Non-Anglican	23	21
Total	32	24

* E/D = Ethnicity/Denomination

** Landlords based on Appendix F

APPENDIX JPROMINENT CAPETOWNIANS : AGE IN 1850

<u>Mercantile Élite</u>	<u>Commercial Middle Class</u>
W.G. Anderson (46)	R.H. Arderne (48)
T. Ansdell (51)	C.J. Brand (53)
A. Chiappini (72)	W. Buchanan (42)
J.B. Ebden (63)	J. Fairbairn (56)
E.J. Jerram (40)	J.H. Hofmeyr (54)
J. Letterstedt (54)	H.C. Jarvis (47)
A. McDonald (37)	F.H. Kunhardt (44)
C.S. Pillans (66)	J.M. Maynard (50)
G.W. Prince (54)	B. Norden (52)
H. Ross (76)	A.S. Robertson (49)
H.E. Rutherford (55)	H. Sherman (46)
J. Stein (41)	J.J.L. Smuts (65)
M. Thalwitzer (55)	O.J. Truter (53)
G. Thompson (54)	J.A.H. Wicht (44)
H. Watson (52)	J.H. Wicht (42)
Average Age: 54,4	Average Age: 49,6

Sources: DSAB and Death Notices (MOOC)

SOURCESI. OFFICIAL MANUSCRIPTS

(Government Archives, Cape Town)

Government House

GH 1/118-214	Despatches, Secretary of State to Governor
GH 6/3-5	Register of Despatches, Secretary of State to Governor
GH 23/11-19	Despatches, Governor to Secretary of State
GH 24/5-7	Register of Despatches, Governor to Secretary of State
GH 28/13-50	Enclosures to Despatches to Secretary of State

Colonial Office

CO 505-554	Letters received from sundry committees and municipalities
CO 2476-2485	Index to letters received
CO 3992-4074	Memorials received
CO 4331-4341	Registers and indexes to memorials received
CO 4384	Arrear memorials received (1838-51)
CO 4909-4948	Letters despatched, Civil
CO 4951-4959	Index to letters despatched
CO 5302-5315	Letters despatched, miscellaneous
CO 5959	Index to Proclamations, Government Notices and Acts, 1803-55

Executive Council

EC 1-3	Minutes of proceedings, 1834-54
EC 275	Letter book, 1834-54

Legislative Council

LCA 2-4	Minutes of meetings, 1837-53
LCA 8-28	Appendices, 1837-53
LCA 31	Letters received, 1834-54

Town Clerk, Municipality of Cape Town

3/CT 1/1/1/1-15	Minutes of Board of Commissioners, 1840-53
3/CT 1/2/1/1-2	Minutes of Board of Wardmasters, 1840-57
3/CT 1/1/5/1-53	Appendices, 1840-53
3/CT 3/1/1/1-5	Letter books, 1840-54 (3/1/1/3 missing)
3/CT 7/1/2/1/1 and 7/1/2/1/11	Street rolls, 1842 and 1854
3/CT 8/3/1/1/1-2	Ledgers, 1840-48
3/CT 8/14/1/1/1-2	Expenditure books, 1840-48
3/CT 8/15/1	Revenue and income books, 1847-53
3/CT 10/2/1	Voters' Lists, 1840
3/CT 11/1/1/1-3	Contract books, 1841-54

Magistrate's Office, Cape Town

1/CT 11/84	Letters received from Municipality of Cape Town, sundry municipalities and Cape Divisional Council, 1812-1911
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Attorney-General of the Cape Colony

AG 2616-2619	Reports despatched in regard to matters referred to Attorney-General, 1841-53
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Wine Taster, Cape Town

WT 4	Return of Cape Wine exported, 1823-26
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Collector of Tithes and Transfer Dues, Cape Town

TTD 25, 25a	Transfer Dues on Houses and Lands in Cape Town, 1835-44
TTD 23, 24, 26	Transfer Duties on Property, Places and Lands, 1829-44

II. SEMI-OFFICIAL AND UNOFFICIAL MANUSCRIPTSGovernment Archives, Cape Town

CC 2/2-3	Commercial Exchange, Minutes, 1833-53
CC 2/6	Commercial Exchange, Letters despatched, 1833-48
CC ADD 1/1	Cape of Good Hope Trade Society, Minutes, 1825
MOOC	Master's Office Series (Death notices, wills and estates)
MOIB	Insolvent Estates

Accessions

A28	Biography of C.F. Juritz
A331	Diary of W.H. Rabone, photocopy extracts
A543	Biography of R.H. Arderne
A535	Anti-Convict Association, records, 1849-50
A595	Genealogy and biography of C.L. Herman
A889, 894, 1777	Letters of H. Ross, and biographical notes
A970	Letter re Oranjezicht and van Breda family
A1490 A	Biography of A. Chiappini

South African Library

MSB 391-392	Porter Collection (papers of William and Francis Porter)
MSB 412	H.E. Rutherford, correspondence, 1835-61
MSC 2	Anderson & Co., records, 1836-60

Jagger Library, University of Cape Town

BCS 4	Diary of George Skinner, 1842-54
BZA 83/63-67	Despatches of the Consul for United States of America, Cape Town, 1834-56

University of the Witwatersrand Library, Johannesburg

A 520f

A-663, A 230f

A 1320f

A 1509

Xpam HF 5475

Cape of Good Hope Steam Navigation
Co., subscription list, 1836

Fairbairn papers

A. McDonald, letter, 1849

Cape of Good Hope Bank, letter book,
1835-37Market Report, Municipality of Cape
Town, 1847Standard Bank Archives, Johannesburg

GMO 1/1/13

Letter book of Chief Manager, London,
1877-78

GMO 3/1/1-6

Letter books of General Manager, Port
Elizabeth, 1867-77

INSP 1/1/24

Inspection Reports, 1867-78

PrivateThomson, Watson & Co., Deed of Partnership, 1861 - in private
possession of Mr G.C. Knight, Newlands,
Cape TownE.G. Landsberg, Memoirs - photostat copy of translated
manuscript in private possession of
Mrs S. de Villiers, Cape Town

III. PRINTED OFFICIAL SOURCESBritish Parliamentary Papers

1846 (400)	Cape, applications for representative government within the last ten years
1849 (217)	Correspondence re transportation of convicts to the Cape and Ceylon
1850 (1137)	Cape, correspondence re establishment of representative assembly, 1848-50
1850 (1138)	Cape, correspondence re reception of convicts, 1849-50
1851 (1362)	Cape, papers re proposed representative assembly, 1850-51
1852 (1427)	Cape, papers re representative assembly, 1851-52
1852 (130)	Cape, debates, petitions re constitutional ordinance, 1852-53
1852-3 (1581) (1636)	South Africa, correspondence re constitutional ordinance, 1853-53
1852-3 (1640)	South Africa, constitutional ordinances, 1853

Cape Colony Publications

1849	<u>Master and Servant: Documents on the working of the Order-in-Council of 21 July 1846</u>
CCP 6/3/1/4	Ordinances, 1834-45
CCP 6/6/1/1	Statute Law, 1714-1853
CCP 8/1/33-50	<u>Cape of Good Hope Government Gazette, 1837-54</u>
CCP 9/3 and 9/17	<u>Cape of Good Hope Blue Books, 1840 and 1854</u>

IV. NEWSPAPERS AND CONTEMPORARY PERIODICALS

Cape Monitor
Cape of Good Hope Almanac and Annual Register
Cape of Good Hope Observer
Cape Town Mail
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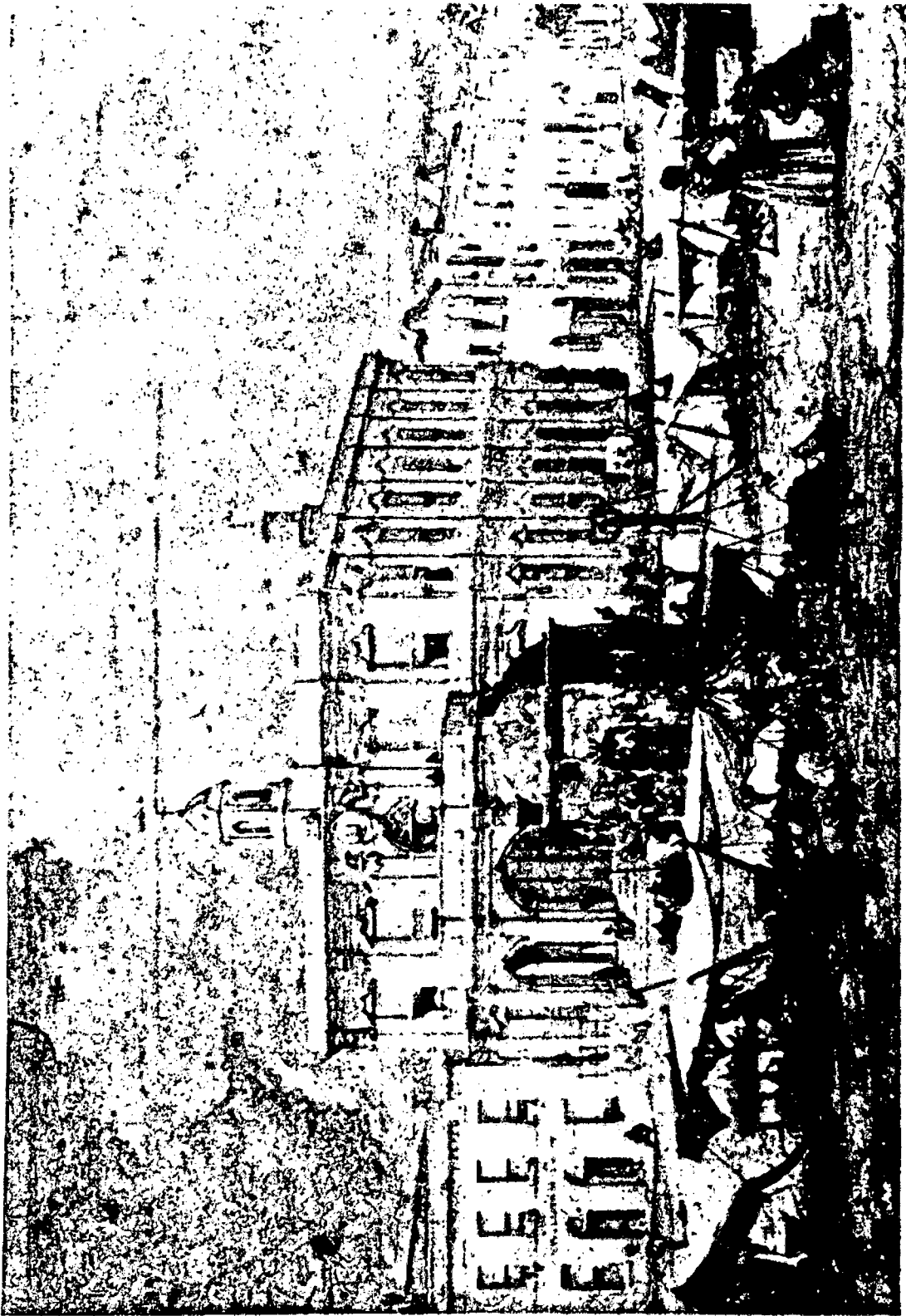
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Source: C. Pama, Bowler's Cape Town