

A STUDY OF POLITICS IN THE CAPE COLONY

FROM

JANUARY 1908 to MAY 1910

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A Thesis submitted for the Degree of M.A. at the
University of Cape Town, 1950

By

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P R E F A C E

The period with which this thesis is concerned is one of vital importance in the history of the old Cape Colony and also of very real significance in the past and future development of the Union of South Africa. It was during this period that the Cape Colony made the tremendous decision to unite with the other South African colonies, and the results of that decision are still with us to-day, and some, indeed, have not been fully worked out even yet.

It was the bad fortune of the Cape Colony to enter Union at a time when she was slowly recovering from the effects of a severe depression. At the time of Union the Colony had barely become solvent and this financial weakness had placed her in an extremely invidious position during the National Convention. Then too at the meetings of that body she lacked the services of two of her most able politicians, J.H. Hofmeyr and W.P. Schreiner.

There are a fair number of secondary works which handle this period. The biographies of the two men mentioned above are examples. But no secondary work has dealt with the period as a subject in itself. It has always been related to a personality, and most of the secondary works are clouded by continual references of a personal nature, which make it extremely difficult for form a clear-cut impartial picture of the period. It is hoped that this thesis may in some small way supply that need.

As this thesis is concerned purely with politics in the Cape Colony, no attempt has been made to give a comprehensive description of Merriman's administration or of the work of individual Government departments. For this reason press reports, private papers and biographies have been used, rather than official documents. The latter have, of course, been used to provide statistical information where such proved necessary.

I am greatly indebted to, and would like to take this opportunity of thanking Mr. Robinson and his assistants at the South African Public Library and also Dr. Venter and Mr. du Toit of the Archives for their invaluable assistance in helping me to secure the source materials which I needed.

Note: For a list of abbreviations used in annotation throughout this thesis please see the bibliography.

The politics of the Cape Colony during 1907 showed a continued decline in the fortunes of the Jameson Government. Almost the whole year had been taken up by registration, which had been very protracted and very inefficiently done in the large centres. This registration was necessary because of the Re-distribution Bill of the previous year and also the re-enfranchisement of those Cape Colonists who had fought on the side of the Boers during the war. The latter naturally meant an increase in the political power of the Afrikaner Bond and also the South African Party, and Merriman himself had contributed five hundred pounds to party funds to be used for registration purposes.¹

On the parliamentary side the Government had intended the session to be little more than a formality. It carried an Agricultural Bank Bill and proposed Bills dealing with Labour Colonies and Factories, but made no effort to proceed with them. Furthermore, it quickly dropped its Bill for establishing a Railway Advisory Board, although, and possibly because, it was supported by the leader of the Opposition. The session was largely occupied in discussion about the Liquor Trade, the whole of which led to nothing beyond disclosing considerable difference of opinion in the ranks of both parties.²

But the persistent criticism of the Government's financial policy, though carried on by a small number of members, at least had some effect. At least it was only saved from defeat by a majority of one on the South African Party proposal to impose a mineral tax, and having vowed that he would resign rather than surrender Jameson surrendered and accepted the tax with various amendments dictated to him by private members. But it was generally felt that the country should be consulted on this procedure, especially in view of the coming Inter-Colonial Conference, and the Legislative Council used its constitutional power to force a dissolution.

This came about through the intriguing of Logan with the South African Party. He managed to block the Appropriation Bill in the

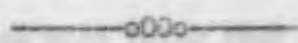
Legislative Council and on September 17th, in spite of Jameson himself addressing the Council the Government was defeated and forced to go to the country.³

Jameson now endeavoured to form a party which would combine both the Moderates and the Progressives. On September 26th a manifesto was issued stating that the Progressive Party had become the Unionist Party, with the development of South Africa, equal rights for all civilised men, the union of the European races, and the union of the British South African Colonies as its objects. In order to strengthen his forces he tried to get Schreiner to join him and even offered him the leadership of the party.⁴

Schreiner however, refused, having had bitter experience of being the nominal head of a party that was not his own. This plan although it did not succeed altogether nevertheless had the effect of causing Schreiner to urge the Colony to forget the blunders Jameson had made in the past and to end all racial grievances in politics. This worried the Bond as there was the possibility of Schreiner drawing off the support of Moderates, who might otherwise have supported the South African Party candidates. By the end of the year the election campaigns for the Legislative Council were in full swing.⁵

Apart from purely party matters the year had seen certain happy auguries for co-operation between the two sections of the European population and for the nearer approach of Closer Union in South Africa. Hofmeyr's conciliatory speech at Wellington in May had been gladly welcomed by Jameson as a call to English and Dutch to forget their differences and work together in the future. The publication of the correspondence between Jameson and Lord Selborne leading up to the famous 'Memorandum' had been met with enthusiasm by Theron, the Chairman of the Bond, although Merriman was distinctly cool. Later, in July, Malan's resolution demanding preliminary steps to a Union of British South Africa was seconded by Jameson and it became clear that both parties were now definitely in favour of some form of Union.⁷ This mutual feeling was to

form the basis of loyal co-operation between Jameson and Merriman at the National Convention later, when the latter's suspicions of interference by the Imperial Government had been allayed. That, however, lay in the future, and for the moment all men's interest lay in the election struggle and the question whether Jameson would be able to fight his way back into Parliament successfully, or whether the combined forces of the South African Party and the Bond would be too much for him, and would bring the Cape Colony into line with the Transvaal and the Orange River Colony, with the Dutch, and predominantly agricultural, element in power.



NOTES TO INTRODUCTION -

- 1. J x H De Waal to Merriman 7/8/07
- 2. V + P 1907
- 3. L O J p.265
- 4. Ibid pp 266,7
- 5. W.P.S. p 269
- 6. L O H pp 612, 3
- 7. L O J pp 261, 2

At the beginning of 1908 the Council Elections were entering their last phase and were being fought mainly on the question of the inefficiency of the late Government. Throughout the Colony South African Party speakers railed at the over-optimistic and incompetent financial administration of Walton. At every opportunity Merriman declared that his first aim was to restore the colony's finances, although he carefully refrained from giving any exact idea of how he intended to do this. The Progressives in reply could only maintain that the South African Party was completely ignoring the depression whose effects were being felt throughout South Africa as a whole. They also attacked Merriman on the grounds that he advanced no programme of his own and confined himself to purely destructive criticism. To this he replied that Sound Finance and Closer Union were the two main planks in his platform and that he was not going to make any promises which he might not be able to fulfil later.

With Closer Union in mind Merriman knew that he could rely on support from the North. Both General Smuts and Steyn had written to him assuring him of their good wishes in the elections, and saying that a South African Party victory would make the time ripe for Union.¹ Malan had adopted the aim in the previous year when he had welcomed the publication of the Selborne memorandum,² and the Bond, now that Het Volk and De Unie had triumphed in the Transvaal and the Orange River Colony, were enthusiastic in their expressions of the need for Closer Union. Jameson's part in the movement was over-shadowed by the odium of his Government and although he came out strongly for Federation his thunder had been stolen by Merriman, who expressed himself more vaguely in favour of some form of Union closer than Federation.

In Cape Town a sharp battle was fought for the Coloured vote. Each side had a protagonist within the ranks of the Coloureds themselves. Mr. M.S. Maurice assured his fellows of the sincerity of the South African Party candidates with regard to their expressions of devotion to the Coloured interest,³ while for the

Progressives, Dr. Abdurahman supported Jameson because he had said that he would not accept Federation if the Coloured Franchise were lost. He also attacked the South African Party on the grounds that they wished to drown the Coloureds in brandy and were in favour of low wages for Coloured labourers.⁴ In reply Malan charged Abdurahman with inconsistency because he had supported a South African Party candidate a few months before at Uitenhage, and vigorously denied that the South African Party was prepared to sacrifice the Coloured franchise for Union.⁵ He also advanced the specious argument that the Coloured and the Natives should beware of the demand for the total prohibition of liquor for them, because if successful, it might later lead to a demand for a repeal of their franchise, on the grounds that if unable to be trusted with liquor, they were unworthy of the vote.⁶ At the close of the campaigns for both Houses the South African Party brought in Hofmeyr to give a final salvo, and assure the Coloureds of the sanctity of their franchise under that party's regime.

South African Party candidates also applied themselves strongly to the winning of the Native vote. Merriman himself undertook a tour of the Eastern Province where he visited Native centres and made speeches confirming the sanctity of the Native franchise.⁸ Native opinion was sympathetic to the South African Party cause and a Convention held at Debe Flats in January passed a resolution urging all Natives to vote for the party candidates.⁹ As a result of this Schreiner and his co-candidate, Sir Bisset Berry received a rude shock at a Native meeting at Driver's Drift, Glen Grey in February, when they were severely heckled and a vote of no-confidence in them was passed, the meeting showing a strong inclination to support the South African Party candidates for that area.¹⁰

In order to gain the votes of the working class South African Party men attacked the retrenchment policy of the late Government. Although it was obvious that more retrenchment would have to take

place if the finances were to be restored, nevertheless speakers declared themselves firmly against it, Merriman however, declared that he would "lop off excrescences," and the Progressives fastened on this as an admission of an intention to retrench. To this the South African Party replied that retrenchment, if applied would be such as to affect the higher-salaried officials and not the ordinary working man. This fatuous argument worked so well that the Progressive candidates for Woodstock and Salt River had little success at their meetings¹¹ and were compelled to bring in Jameson to exercise his personal influence over the electors.¹²

Throughout both campaigns Progressive speakers warned the electorate of the danger of handing themselves over into the power of the Bond and did their best to show that the South African Party was really a facade hiding the real power of the Bond. This was denied by speakers of the latter party who said that the South African Party was not the Bond but was a party which had the interests of South Africa at heart and as such had welcomed the Bond into the fold.¹³ The Bond itself besides practically reigning supreme in the country districts, also threw its weight into the scale when ever there was doubt as to the chances of the South African Party. Thus it would support their candidates in Cape Town although it did not put up any official candidates of its own there.¹⁴

Election day for the Legislative Council was on the 21st of January and the first result, that of the Western Circle, showed that the South African Party was on the way to achieving a decided victory. Pettersen and Graaff headed the poll by comfortable majorities from Cartwright and Faure,¹⁵ and it soon became clear that the country was voting almost solid South African Party. The final results were South African Party 16 seats, Progressives 6 a majority of 10 in a house of 22, representing a gain of five seats. The six Progressive candidates were returned by the Western Circle (2), the South Eastern Circle(2), Griqualand West (1), and the North Eastern Circle (1).

They had been returned by the commercial element in Cape Town, Port Elizabeth and East London, the mining interest in Kimberley and in the North Eastern Circle the personal popularity of Sir G.H. Stockenstrom had brought him home.¹⁶

On learning the results of the Council Elections Jameson waited no longer and tendered his resignation on the 31st of January.¹⁷ The Governor, Sir Walter Hely-Hutchinson, having sounded F.S. Malan on the subject and found that he was prepared to stand aside in favour of Merriman,¹⁸ sent for the latter and appointed him Prime Minister. Merriman formed a cabinet and when this was published it was found to contain three members of the Bond; Sauer who became Commissioner, Malan Secretary for Agriculture and de Waal, Colonial Secretary. Merriman himself took the Treasury and Native Affairs, Burton became Attorney-General, while D.P. de Villiers Graaff and Currey were ministers without Portfolio.¹⁹ So three out of seven were from the Bond, while at the same time Merriman could claim the same number as being Englishmen, thus showing the absence of racialism in the South African Party. De Villiers Graaff was valuable in being persona grata with the commercial element in the towns.²⁰

The Cabinet having been formed Merriman and his Ministers played an active part in the elections for the Assembly. The first of these took place in Grahamstown and Cape Town, and showed that these at least remained Progressive strongholds. Jameson and Fitchat were returned by the first and the complete ticket of seven Progressive candidates by the second.²¹ The final results however showed that the South African Party had won 69 seats of which 27 had been unopposed. This represented a gain of 19 over their previous position. There were five Independents and the Progressives had won 33 seats of which four had been unopposed. The Progressives had lost 17 seats 11 of which had been in areas most affected by the re-enfranchisement of the "rebels."²²

For the South African Party the victory had been complete and the problem now is to establish the real reasons for it,

as distinct from the superficial victories won in skirmishes during the election campaigns. Without doubt the main cause of the Progressive defeat was the discontent and dissatisfaction throughout the country with the administration of the late Government. The colony had been badly hit by the depression and to the average voter it appeared that the Government had taken no steps to check it. Walton had raised loans on the London market and had increased the permanent debt, times were hard and no relief in the future was perceptible.

In the country districts the memory of the behaviour of the Progressives during, and shortly after the war persisted. The Moderates remembered the Suspensionist movement and men who had fought in the war on the Boer side still harboured the grudge of disfranchisement. Restoration of the vote had made them only too aware of the chance to get rid of the party which had opposed their interests in the past and still looked upon them with suspicion and distrust. A prominent feature of the elections was the very high percentage of polling in the country constituencies, reaching a maximum of 91.52% in the Riversdale area.²³

The taint of racialism was still strong in the Progressive party. Whereas the South African Party appealed to men of all sections to join hands in building a united South Africa under the British flag, the Progressive press too often expressed doubts as to the future of a South Africa united at a time when the Het Volk and De Unie parties were dominant in the North. The Eastern Province press was particularly concerned and outspoken in this respect²⁴ and the many references to Britain as "home" only served to increase the dislike of the Dutch-speaking section for the Progressive party.

Allied to this was the strong connection between that party and the mining interest. To the country voter the party represented the commercial element and the mining

magnates, who in his eyes thought more of profits and dividends which went to swell purses overseas, than of the interests of South Africa as a country and a nation. Jameson's personal magnetism could not conceal the fact that he was the heir to Rhodes and that his interests in De Beers and Rhodesia appeared to be of as great importance to him as his position as Prime Minister of the Colony.

The Progressive party itself had suffered during Jameson's term of office by the emergence of conflicting interests within itself. The commercial element, due to the depression, had split on the rock of Protection. those who were trying to foster South African industry, such as Bam, found themselves at variance with Free Traders like Jagger and Baxter, and the interests of East London and Port Elizabeth were not always identical with those of Cape Town or of each other.²⁵

This together with Jameson's preoccupation with De Beers and Rhodesian matters had led to a breakdown in party organisation. Dr. Darley- Hartley, a foundation member and first president of the old South African League complained that the leaders of the party had deliberately allowed party organisations to go to pieces and had failed to formulate any clear-cut set of principles for the guidance of members. Furthermore they had lacked the services of able men to organise an election campaign such as Colonel Crewe had done in 1904.²⁶ Jameson himself had realised the position, and his attempt to force the leadership of the party on Schreiner shows that he knew how little chance he had in the elections.²⁷ The party as a whole lacked confidence and showed it in its election campaigns.

The South African Party on the other hand had behind it the full force of the confident and well-organised Bond. Hofmeyr was a power in the land and from his home in Cape Town he directed in utmost detail the election campaigns of all Bond candidates.²⁸ The Kommissie van Toezicht operated efficiently and only in one

or two cases did unofficial Bond candidates appear and divide loyalties in their particular constituencies.²⁹ It has been seen how Hofmeyr was used to re-assure the Coloured voters and his influence as a friend of the natives was a vital part in South African Party Propoganda.

In Merriman the party had a man who throughout the Colony had an excellent reputation as a man with unrivalled Parliamentary experience, and who was ^{most} ~~not~~ fitted to undertake the tremendous task of restoring the finances of the colony. The stand he had taken during the war years, and his opposition to the Suspensionist movement had made him acceptable to the country voter³⁰, and he enhanced this by his constant attacks on the mining and commercial elements, and by his flattering references to the land-owning class together with his scorn of the working-class population of manufacturing towns.

But in addition to Merriman the South African Party had the added advantage of possessing three leading members of the Bond in the fore-front of its attack. Malan led the Bond section in the Legislative Assembly, De Waal was Secretary of the Bond³¹ and Sauer a prominent member who also had long Parliamentary experience and was an extremely shrewd debater. Furthermore in Burton the party had a man who had done good work among the Natives in the Eastern Province and was an extremely able lawyer, well fitted to hold the position of Attorney-General. Thus in being able to draw men of ability from both sections of the population, the Cabinet itself was a good example of the absence of racialism in the party and was held up as such during the Assembly elections.

In the North help was at hand as well. The victory of the Het Volk and De Unie parties in the Transvaal and Orange River Colonies ^{meant} ~~not~~ that General Botha and General Smuts, and Steyn and Fischer could by public pronouncements and private letters encourage the South African Party in its fight in the

Cape Colony. The way to a united South Africa, united from within, now lay ahead, and Merriman grasped the opportunity by inviting General Smuts to meet him at Port Elizabeth to discuss the possibility of Closer Union³². Dutch-speaking South Africans felt that now the chance was at hand to build their own nation and put upon it the impress of a truly South African character.

But ^{more} now than anything else the elections went to show that it was the country vote which was the major factor in the South African Party victory. The large towns, as has been seen, remained almost wholly Progressive, earning for themselves the epithet of un-South African as a result.³³ In this respect Cape Town was the worst offender. But in the country the man on the land, once more enfranchised, but still smarting under the wrongs of the past, organised and instructed by an efficient party machine, cast the deciding votes and swept the South African Party into power with a bigger majority than had ever before been obtained in the history of the Cape Parliament.

But although Merriman faced the Cape Parliament at its opening on the 22nd April 1908 with sixty-nine members out of a total of one hundred and seven on his side in the Legislative Assembly, and sixteen out of twenty-two in the Council, nevertheless his term of office was not to be one of plain sailing and of unchallenged party rule. He had ranged against him an Opposition, which although beaten at the polls, nevertheless still contained men of good parliamentary calibre. Although Jameson had left for England before the opening of Parliament, called away for reasons of health and affairs of the Chartered Company, the Progressives were ably led by Dr. Smartt, who loved a good fight and had a habit of 'dragging his coat-tails' in the House and daring anyone to step on them. He was supported by Walton and Jagger who could be relied upon to keep a close check on matters financial and be on the 'qui vive' for the slightest trace of mismanagement of the Colony's revenues.

In no-man's land, as it were, were a handful of Moderates led of course by Schreiner, who was suspicious of Merriman because of his fatal facility of changing his opinions, ³⁴ and was now definitely taking up the stand as champion of the Non-Europeans in the Colony. With him there were Stanford and Cronwright-Schreiner, Sir Gordon Sprigg, and the two Searles who would fight to the last any move to promote the sale of liquor, whether to white or black men.

But these groups were factors which could be calculated in advance and from whom opposition could be expected as a matter of course. It was not from them that the greatest threat to Merriman's position was to come, but from malcontents in the ranks of the South African Party itself. The country members made up the majority of the party and the question was to what extent would party discipline overcome the grievances which they were suffering under and which they were determined to alleviate. Apart from the grumbling of the sheep farmers over the administration of the Scab Act, the principal danger came from the very large section representing the wine-producing districts, which were at that time suffering from the effects of very severe depression and were indeed the hardest hit section of the whole community. Moreover they had a convenient scape-goat on which they could lay the blame for their sorrows, in the shape of the Excise on brandy which had been imposed by the Jameson ministry and which they now loudly clamoured to be removed, holding it to be the real reason for ³⁵ the depression of their industry.

Faced with the possibility of revolt from within his own party, Merriman nevertheless had important problems to solve and vital issues to be worked out during his term of office. He had taken office determined to see two things through, the restoration of the Colony's finances and Closer Union. He had been a late convert to the latter, but he had a fetish about sound financial administration. This was repeatedly borne out during his election campaign. At

Victoria West he referred to finance as the greatest problem and he never missed an opportunity to drive home the moral that hard work and economy were the only way to improve the Colony's financial position. Although he expressed himself in favour of moderate protection nevertheless he believed that the Colony would never become a manufacturing country and publicly 'thanked God for that'.³⁶

His other main problem was of course that of Closer Union and this was brought nearer by the approach of the pending Customs Conference. He and General Smuts were in constant communication with each other and did in fact decide on the extension of the Customs Union for another year and the expression of the need for a National Convention, before the Conference took place. Merriman's correspondence shows that at this time his mind was much occupied with the problems of Union. He was an avid reader of works on other examples of unions of state, and he frequently wrote to Professor Goldwyn-Smith in Canada for information on the system as it operated there.³⁷ In his public utterances however he limited himself to the expression of the desirability for Union and only committed himself at Victoria West to some form of Union closer than that of Federation.

Another problem for Merriman was the necessity for shortening the period of elections in the Cape. Under the Colony's antiquated system the recent elections had occupied the major part of six months, thus seriously prejudicing the cause of good government during that period.³⁸ He had also at Port Elizabeth suggested the necessity for single-member constituencies to avoid the complete lack of minority representation as had occurred in the large towns of the Colony.³⁹ A significant statement in the light of future events.

Other aspects of the Cape Colony's politics which needed reform were the Scab and Education Acts. The former needed more sympathetic administration in order to avoid annoying the sheep farmers, and yet its efficiency had

somehow to be improved. The latter needed reform of the financial arrangements to satisfy the poorer section of the country population.⁴⁰

As far as Native policy was concerned Merriman had stated that he held the Cape system to be the best in South Africa, but was alarmed at the spread of usury in the Territories and was determined to check it. The Natives themselves were advocating the retention of a larger amount of local control in their own hands, and were upholding strongly the restriction on the sale of liquor as laid down in the Innes Liquor Bill. These Merriman had publicly avowed to maintain and were to provide one of the hardest fights of his term of office when later the Light Wines Licences Bill was brought in.⁴¹

So with all these problems to be faced Merriman met his parliament on the 22nd of April. It was to be an Emergency Session to regularise expenditure by an Additional Appropriation Act. Later on, in June, was to come the "credit and debit" session which he had promised during the election campaign. It is now appropriate to consider this and the next chapter will be devoted to a study of Merriman's financial administration.

NOTES TO CHAPTER I -

1. L O M p.241
2. Vide Introduction
3. S A N 16.1.08. Letter to the Editor.
4. Ibid 16.1.08. Report of a speech made at a meeting of the African Political Organisation.
5. Ibid 17.1.08. Speech in District 6. 16.1.08.
6. Ibid 13.1.08. Speech at Paarl. 10.1.08.
7. Ibid 21.1.08. Speech in Metropolitan Hall, Cape Town 20.1.08.
- Ibid 12.3.08. Speech in District 6 at meeting for Benning, Centlivres and Forsyth.
8. W P S p.271.
9. S A N 21.1.08. Report from Kingwilliamstown.

'The convention strongly opposed the farmers suggestions that Natives should not be allowed to buy land in certain portions of the Colony. A resolution was also passed in favour of the maintenance of the restrictions of the Innes Liquor Bill, and their general enforcement by legislation. It was declared by resolution that any scheme of federated government should maintain the rights of the Natives unimpaired, and secure similar privileges for the Natives in other colonies. A further resolution urged all Natives to support the South African Party's candidates at the forthcoming elections. The Convention also urged the Government to consider the question of retaining in their own hands the treatment of Natives in Municipal areas'.

10. Ibid 20.2.08.
11. Ibid 7.1.08. Faure, Cartwright, Powell and Walton speak at a very rowdy meeting at Salt River.
12. L O J p.273. He was again on the political platform at Woodstock on March 30th.
13. S A N 14.1.08. De Waal speaking at Steynsburg on 9.1.08 said 'Let me here say that the South African Party is not the Bond, and the people who say so are telling an untruth. The policy of the party is based on the principle. It knows no race, and our leader is an English-speaking South African'.
14. S A N 5.3.08. The Cape Town Branch of the Bond issued a circular urging its members to support Benning, Gentlivres and Forsyth.
15. Ibid 23.1.08. Western Circle Result. Pattersen 17,560
de v. Graaff 13,140
Cartwright 13,397
Faure 12,651
16. Ibid 28.2.08. North East Circle. Michau S.A.P. 7,247
Stockenstrom P. 7,211
Midland Circle. Weeber S.A.P. 7,410
Classens S.A.P. 7,337
Joubert S.A.P. 7,251
South East Circle. Daverin S.A.P. 16,070
Lombard S.A.P. 15,585
Hurndall P. 8,807
Wilmot P. 8,494
North West Circle. Graaff S.A.P. 9,505
de Villiers S.A.P. 9,344
v. Zyl S.A.P. 9,062
South West Circle -
Raubenheimer S.A.P. 11,474
v. Zyl S.A.P. 11,118
Dempers S.A.P. 10,897

Eastern Circle	De Wet	S.A.P.	15,497
	Schweizer	S.A.P.	15,003
	Fuller	P.	10,953
	Bayly	P.	7,955
Bechuanaland	Kealey	S.A.P.	
Griqualand West	Ross	P.	

17. L O J p.270.

18. F.S.M.

S A N 28.1.08. A leading article ridiculed the idea suggested by the 'Times' that a deputation saw Hofmeyr to get him to use his influence to see that Malan and not Merriman became P.M.

19. C T 4.2.08.

20. S A N 3.2.08. 'Many believe that the goodwill of the opposite side is a great asset, and it is certain that Mr. Graaff's appointment will be welcome to many Progressives not only on account of his engaging manners but also because he is very well known in business circles'.

21. Ibid S A N 14.3.08. In the Cape Town election the South African Party candidates were at the bottom of the poll.

22. L O J p.273.

23. S.R. 1909.

24. S A N 10.1.08. Quoted from the 'Representative' at Queenstown 'The fact that the three Colonies will have Governments with the same political sympathies, and these sympathies only dubiously friendly to the Empire is regarded by many with the utmost concern and alarm'.

25. S A N 10.3.08. The 'News' featured two columns of contradictions from speeches by the seven Progressive candidates in Cape Town, on almost every subject from

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taxation, town and country interests to protection, all of which had been culled from the 'Times', and commented suitably on them in a sub-leader.

26. S A N 21.5.08. An address given at a meeting in Sea Point on the 20.5.08. He concluded by looking forward to a newly re-constructed party led by Jagger.
27. L O J p.268. In a letter to his brother on the 20th November 1907 he wrote 'I may not win' and again on the 29th January 1908 'We are having a real debacle. I shall probably resign on the Council elections without waiting for the Assembly'.
28. Hofmeyr Papers 1908. In the papers may be seen dozens of files of letters concerning the organisation of election campaigns all over the Colony.
29. S A N 5.6.08. Reports discussion on 'unofficial' candidates at the Bond Congress. A very severe view taken of them but no really practical remedy available.
30. L O M Chps. 11 and 12.
31. S A N 17.2.08. Reported the resignation of De Waal as Secretary of the Bond in favour of Michau, because of his appointment as Colonial Secretary.
32. L O M p.245.
33. C T 4.3.08. Merriman speaking at Victoria West accused Cape Town of being anti-South African.
34. S A N 27.1.08. At an election meeting in Queenstown Schreiner said he could not be certain of Merriman who had 'a fatal facility of changing his opinions'.
35. S A N 29.1.08. At the 2nd Annual Congress of the Wine Farmers and Merchants Association resolutions were adopted asking for Cheap Wine Licences, the Abolition of the Excise, an increased

duty on imported spirits, and freedom from Government competition.

36. C T 4.3.08.
 37. J x M 1908.
 38. C T 11.3.08. Merriman said in a speech on the 10th that he was determined to bring in a Bill to shorten the time of elections.
 39. S A N 30.3.08. Speech at Port Elizabeth on the 27th.
 40. Ibid 4.3.08. Speech at Victoria West on the 3rd.
 41. Ibid 24.3.08. In a speech at Lovedale to the students.

NOTE: The elections revealed the division which existed between town and country in the Colony. Of the sixty-nine South African Party seats in the Assembly only one, that represented by Adv. Greer was a purely urban area. On the other hand out of twenty-seven Progressives only five represented country constituencies. Nearly six-sevenths of the Progressive Party represented East London, Kimberley, Port Elizabeth, Grahamstown and the Cape Peninsula.

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Europeans 129,337 Non-Europeans 22,784.

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North West Circle	Progressive	S.A.P.
1898	2459	4064
1903	2076	6188
1908	2094	9303
South West Circle		
1898	1626	6696
1903	2493	7432
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Midlands Circle

1898	2046	3535
1903	1727	4182
1908	1289	7332

South East Circle

1898	6599	1158
1903	8548	3812
1908	6389	7913

These are not all the figures for the whole of the Colony but they are sufficient to prove the point. The figures for the Assembly Elections are too comprehensive and lengthy to permit them being used in this thesis.

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There is no doubt that the problem of the financial state of the Colony was the most urgent question which occupied the minds of its inhabitants during the opening months of 1908. Every section of the population had been affected by the severe and protracted depression. This had resulted in the expression of conflicting opinions on how to overcome this state of affairs. The commercial element was divided on the question of Protection. Jagger in a speech to the Commercial Travellers Association in Cape Town on Old Year's Eve had argued against it as operating to raise the price of the necessaries of life,¹ and the poorer classes in the large towns tended to agree with him. On the other hand the Cape Town Chamber of Commerce on the 27th of January adopted the report of its committee recommending an all-round increase in the Customs tariff, Stuttaford playing a leading role in this decision.²

Sir Walter Hely-Hutchinson on two occasions in January when speaking on the state of business in the Colony had recommended the protection of growing industries, and had counselled hard work and a cheerful optimism as the remedies for the depression, which he called a temporary set-back and one which should not be allowed to destroy confidence in future of the Colony.³ Merriman, however, privately deplored protection, and was convinced that hard work and thrift were the only remedies worth considering.⁴ Nevertheless in public during the elections he supported a policy of moderate protection and refused to commit himself as to what steps he would take to restore the Colony's finances. He guardedly referred to the "lopping off of excrescences," for as he said to Steyn in a letter dated 12th of March, "if a crisis is to be arrested we shall have to use very drastic methods, unfortunately election times are not those when even the best of Governments can take up the pruning knife."⁵

As far as taxation went however, he gave no indication

as to his intentions and in the light of future events it is interesting to note that the South African News in March criticised the Progressives for starting a rumour that the South African Party would introduce a new Income Tax. It went on to say that the only party which had declared itself in favour of increased taxation was the Progressive party and that this was a strange way to appeal for votes and that voters should remember this on election day.⁶

With the elections safely over Merriman met Parliament on the 22nd of April for the Emergency Session and "began to wield the axe forthwith."⁷ As far as taxation went, in the short session he could do nothing, but he immediately set in motion the machinery of retrenchment. In the Assembly he outlined the position and ^{asked} Parliament to legalize expenditure which had already taken place and which would take place until June, when he would put a more detailed picture before the House. At the same time he would give details of how he intended to meet the deficiency which he anticipated would be £965,000. He was attacked by Walton, who naturally felt this slur on his work most strongly, for making such a statement of the finances, on the ground that it would be damaging to the credit of the Colony.⁸ Sauer came to the support and from the other side of the House Jagger added his voice in favour of facing the situation fairly and squarely. As a result the Estimates passed both Houses rapidly, the Opposition being loth to discuss so distasteful a subject as the shortcomings of the late Government.

As regards retrenchment, Sauer in the Railways and de Waal and Currey in the Civil Service began to take steps to reduce the number of men employed, and in the case of the former, the number of services and concessions granted. These steps taken by Sauer made themselves felt soonest and within a short while

protests began to come in from the groups and persons most affected. Early in June a meeting was held in Kimberley to protest against the proposal to retrench certain railway officials and to reduce the amount of money allotted for maintenance of equipment. The "Diamond Fields Advertiser" commenting on this criticised Sauer for his action and recommended him rather to initiate bold reforms and to steer clear of false and dangerous economies.⁹ In Cape Town the "Times" reported ill-feeling at the drastic reductions on the suburban railways by which services had been cut and concessions withdrawn. Before June was out two deputations of Cape Town residents had called on Sauer to protest at the treatment they were receiving. To these Sauer was polite but adamant pointing out that in its hour of need the Government had no alternative but to endeavour in every way to increase revenue and reduce expenditure.¹⁰ The outcry against the early measures seemed so strong as to arouse alarm in the breasts of Merriman's friends in the North and General Smuts wrote to him not to try to recover the Cape financially in one year but rather to spread it over a number.¹¹ The Prime Minister however had more shocks in store for the public and meanwhile was setting an example to public servants of frugality and thrift even to the point of parsimony as far as his own use of public monies was concerned.¹²

On the 19th of June the "Credit and Debit" session commenced and Merriman laid on the table of the House a copy of the estimates of expenditure to be defrayed during the year ending on June 30th 1909. The totals of these were as follows:-
 General £5,758,903 , Railways £2,321,678 as compared with those of the previous financial year :- General £5,653,989 ,
 Railways £2,708,608 and in practically every department showed considerable reductions of staff.¹³

There followed almost immediately a battle over the Government's retrenchment scheme. On the 23rd of June Smartt

vigorously attacked Greer and Graaff for their election speeches in which they had denied the possibility of retrenchment. This however was weakened by the fact that Smartt himself had in the previous year proposed to deprive Civil Servants of the right to fixity of tenure subject to the consent of Parliament to their dismissal.¹⁴ Similarly the whole of the Opposition's attack on retrenchment was rendered ineffective by the fact that the Government was endeavouring to rectify a situation into which the late Ministry had brought the Colony. The Opposition were on firmer ground when the Prime Minister introduced his first budget on the 30th of June. He revealed that the actual deficit was £991,854 of which no less than £660,546 had accrued in the last five months of the financial year.¹⁵ This huge deficiency he attributed mainly to the dropping of Railway revenue. For the forthcoming year he estimated a deficiency of £901,761 and outlined his proposals to meet this.¹⁶ There was to be an Income Tax of ten shillings on incomes over £50 per annum, £1 on incomes of £100-£300 per annum and over that limit a flat rate of 5% was to be levied. Estate and Transfer Duties were to be increased, there was to be a Stamp Duty on Patent and Proprietary medicines (for which Merriman had a healthy contempt), the Sinking Fund was to be suspended and he proposed to introduce a Special Retrenchment Bill to reduce the salaries of all Civil Servants up to the rank of Minister by 5%.¹⁷ Judges and His Excellency the Governor were excluded from the last by virtue of a protective act. The amounts which he hoped to raise by these expedients were as follows:- Income Tax £300,000 ; Transfer Duty £70,000 ; Stamps and Licences £70,000 ; Civil Servants Salaries £150,000 ; the suspension of the Sinking Fund £215,000 giving a total of £905,000. Thus he actually anticipated a small surplus of £3,239.¹⁸ These were optimistic figures, especially where the estimate of revenue was concerned, as was later to become apparent.

The Opposition based their attacks on the proposal to tax the poor man; indeed that proposal was assailed in all the towns and cities of the Colony wherever there existed a poor working class, as apart from the poor farmer. In Cape Town there were two large meetings; one held by the Socialists on the Parade on the 5th of July¹⁹ and another in the City Hall under the chairmanship of the Mayor on the 20th. At the latter Schreiner, Jagger and Thorne were on the platform and at both resolutions were passed denouncing the taxation proposals as inequitable and demanding the raising of the taxable income level to £300 per annum.²⁰ Similar resolutions were passed at meetings in Hoptown, Kimberley, Grahamstown, Hopefield and Fort Beaufort.²¹ The "Herald" at Port Elizabeth called the Government's financial expedients "clumsy, unjust and inhuman"²² while the "Mercury" at Kingwilliamstown gloomily forecast more emigration from the Colony, less incoming revenue, and still heavier taxation as a result.²³

In the Assembly the attacks were led mainly by Walton and Jagger and concentrated at first on the Income Tax proposals. Bringing the limit down so low would mean severe hardship to working men in the towns, and the taxation was said to be deliberately severe on the townsmen in order to spare the country-dwellers.²⁴ Furthermore the reduction of the salaries of civil servants was denounced as a betrayal of trust and a repudiation of liabilities.²⁵ The debate on this Special Retrenchment Bill led to decreased majorities due to certain of the Ministerialists feeling that the Government was being too hard on the lesser paid civil servants. The majority fell as low as thirteen on more than one occasion, an omen of what was to come later in the debate on the Light Wine Licence Bill.²⁶

In more constructive vein the Opposition suggested that money should be raised by an Excise on Cigarettes and Matches,

a tax on incomes made outside the Colony, a land tax and a gun tax, and an increase of the hut tax.²⁷ To these proposals Merriman replied that it was impossible to increase revenue through the Customs Tariff and also to tax cigarettes without consulting the other colonies. He refused to raise the Hut tax, but said that he would introduce a new method of taxing farmers' incomes.²⁸ On the 23rd of July it was officially announced that De Beers would close down as from the end of that month,²⁹ which Merriman in the Assembly described as "a strong blow to the prosperity of this country" and said that he could see no improvement at all in the country's finances.³⁰ Nevertheless the pressure exerted on him caused him to modify his income tax scheme. The Government would take power to exempt from taxation poor men who through hardship were quite unable to pay. Income tax payers were allowed to deduct from their incomes amounts paid in insurance up to a substantial amount. In the case of an employee who had not paid, the employer was to act as the Government's agent. Further an extra £5 was levied on incomes over £1000 per annum and on those over £3000 the rate was increased by threepence in the pound. Farmers' incomes were to be assessed at 6% of the capital value of the property as assessed by the Divisional Council, less the amount of any registered mortgage.³¹ The Opposition to this from the South African Party itself can be gauged by the fact that during the debate the majority fell to nine.

Although the last was not severe³² enough to satisfy the Opposition, the modification of the Income Tax proposals and the dropping of Estate Duties, the revenue from which was to be made up by increasing Succession Duties,³³ made the budget more acceptable to them. The De Beers announcement had had a sobering effect on the more responsible members of the party, as it would mean not only a loss of revenue but also a decline in the trade and general prosperity of the Colony.³⁴ So although the suspension of the Sinking Fund was attacked on technical grounds by Walton, and the Stamps and Licences Act by certain of the commercial element,³⁵ the Budget was passed almost unaltered.

Schuur said in an interview with the "Cape Times", "the diamond industry is slowly recovering itself, but the recovery is sure to be exaggerated. It will take some time to get to normal conditions, but the future is alright." ⁴²

Meanwhile the process of retrenchment continued and as expenditure was reduced so the revenue began to show a slight tendency to rise. On the 6th of November De Waal at a dinner for the officers of the Cruiser Squadron visiting Cape Town at the time, gave some figures of improving revenue and said "I think it is only fair to ourselves to say that these October figures give us hope, and if maintained during November, will go far to lead us to the belief that we are slowly returning to the improvement which we all desire." ⁴³

So throughout the summer of 08/09 the process of gradual improvement went on hand in hand with the continual endeavour to reduce expenditure to a minimum. ⁴⁴ In December the shareholders meeting of De Beers revealed how badly the corporation had been hit by the slump in the diamond market. The profits for the year ending June 30th 1908 had fallen to £908,619 as against £2,725,000 in the previous year. ⁴⁵ The policy of restricting production to meet the demand was to be continued and this decision was approved by both parties in the Colony. ⁴⁶

The tide was definitely turning, however, and in March 1909 at Kingwilliamstown Merriman said that there was improvement and he hoped that by the end of the calendar year there would be financial equilibrium. ⁴⁷ In the same month he wrote to General Botha saying "As regards next year it is pretty certain that our revenue is on the upgrade and I shall not relax the retrenchment policy." ⁴⁸ This was in answer to a request from the latter for figures of the revenue returns of the Cape Colony which were needed for the calculation of the finances of the Union which would come into being in 1910. When Parliament re-opened in June Merriman backed up his words by giving figures of the reduction of the deficit up to May. ⁴⁹

The session having passed the revised Draft Act of Union Merriman departed for England as a member of the Cape delegation, leaving Currey to tend to the finances in his absence.

Currey's letters to Merriman during this period are full of optimism and he kept the Prime Minister supplied with figures of the revenue coming in each month. In his last letter before Merriman's return he expressed the opinion that if the Cape could budget for the period ending 31st May 1910 it would be possible for it to enter Union with a balance on the right side.⁵⁰

The work of the delegation in England being done, Merriman hurried back to Cape Town to meet the threat of revolt from the Wine farmers against the Brandy Excise. Parliament re-opened on the 23rd of September and foreseeing that he might have to give way to the demands made on him, he cast about for some way to make good the revenue which would be lost by a reduction of the Excise. He now thought of a Cigarette Tax and telegraphed to General Smuts on the 27th of September to ask if the Transvaal Government would assent to the imposition of a $\frac{1}{2}$ penny tax on cigarettes to meet the possible remission of the Excise.⁵¹ General Smuts replied that there would be no objection but doubted if the tax would increase the revenue.⁵² This Merriman was prepared to risk and on the 5th of October he introduced his last Budget.

This now revealed a deficit of £364,684 which was extremely disappointing, especially as the revenue had included a sum of arrear revenue due to the old Netherlands Railways amounting to £82,299.⁵³ The optimism of the Treasurer's estimate of revenue in 1908 was now revealed by a shortfall of £659,708. To meet this situation Merriman carried his "financial expedients" over for another year. He had been forced to reduce the Excise on Wine Brandy from 6/- to 3/- per gallon and it was estimated that this would lose the Colony about £35,000 in revenue. In order to make up for this a Cigarette tax of a $\frac{1}{2}$ penny was imposed which, it was hoped, would yield £40,000, and the method of taxing farmers' incomes was now adjusted so that they would pay on the same basis as other members of the community.

From this a further £30,000 was expected. Changes were also made in the School Bond Amendment Act to deal with school finances more satisfactorily.⁵⁴ This budget met with opposition on the old ground of taxing the poor man too heavily,⁵⁵ but Parliament had been much impressed with the improvement in the Colony's financial position and the attack soon switched to the Light Wine Licences Amendment Bill, which gave rise to a battle royal in the Assembly.

The Colony was now in a position to compliment itself and Merriman on the improvement in its finances which would enable it to enter Union with a credit balance. In January 1910 the South African News in commenting on the figures for 1909 compared the export figures of the Transvaal, apart from gold and diamonds, unfavourably with those of the Cape and said "It is becoming increasingly clear that this colony far from being a source of weakness to the Union, is going to be a source of enormous strength." ⁵⁶

Merriman himself now became perturbed about the arrangements for the finance of the Union. In December 1909 Fischer had written to him saying that the Capitalist interest on the Rand had approved of Hull as Treasurer-General for the Union.⁵⁷ Merriman did not have a high opinion of Hull as a financier and asked the Auditor-General of the Cape to prepare a memorandum on the financial arrangements necessary for the Cape's entry into Union. This was submitted on January 31st.⁵⁸ Early in February Moor wrote to Merriman suggesting a meeting of the Heads of Treasuries and the Auditors-General to discuss financial questions arising out of the Constitution Act. To this Merriman quickly agreed and suggested that the conference should be held in March. Fischer also agreed to this but General Botha preferred to delay until the middle of April. Merriman against his will consented to this but was now thoroughly disturbed about the matter and pointed out that the machinery of finance must actually start running on June 1st as all existing arrangements would fall away on that date.⁵⁹

He was by now thoroughly suspicious of the Transvaal as the recent action of its Assembly in unconstitutionally granting itself a full years allowance for an extremely short session showed that its outlook towards finance was definitely not the same as his.

Nevertheless as far as the Cape was concerned he could be well satisfied. He had restored the Colony's finances to a sound position and as a final gesture was able to restore to the civil servants the reduction he had made in their salaries. This was done by a special sitting of Parliament on April 9th.⁶⁰ In spite of this the Colony still had a cash balance of £172,000, and all its interest ^{requirements} were provided for, when it entered Union on 31st May 1910.⁶¹

Right to the end although the Progressive Press gave Merriman due credit for his work it nevertheless still maintained that the economies affected by the Jameson ministry and the general increase in prosperity throughout South Africa must be given full credit too.⁶² Thus after the publication of Merriman's final memorandum on the finances of the Colony, in which he gave a thorough and comprehensive view of his financial administration, the "Cape Times" commenting on this in a leader said "on the whole it may be said that we owe our return to prosperity rather to the general forward movement which has enabled all the other colonies to balance their accounts, than to any special financial genius on the part of the present Government."⁶³ To this attitude Merriman replied in an election address at Victoria West in June 1910. He said "I take this opportunity of correcting the impression that this result is only due to some extra-ordinary improvement in trade or revenue - a very brief glance at the figures will dispell this illusion. For the twelve months ending April 30th 1908 the revenue amounted to £7,487,834 while despite very heavy increase in taxation the revenue for the twelve months ending April 30th 1910 was only £7,457,612. In the former period the colony had a deficiency exceeding £500,000 and in the latter a surplus of over £100,000."⁶⁴ This

This statement was completely justifiable as is shown by the figures in a note at the end of this chapter. Merriman's financial administration had been a complete success and although it had caused a certain amount of hardship and suffering amongst certain classes, particularly the poorer retrenched Civil servants, it had nevertheless been a thorough vindication of his election policy. Undoubtedly had it not been for his firm policy and his determination in its execution the Colony would have been very much worse off when it entered Union.

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NOTES TO CHAPTER II -

1. C T 1. 1.08
2. C T 28.1.08
3. S A N 10.1.08, 30.1.08
4. L O M p.242 Letter to Goldwyn-Smith "The former (Protection) is the natural outcome of that desire which men, drowning in the slough of depression, have for catching at any straw that seems to promise relief. So hard is it to teach men that the only true way of righting a financial mess is by hard work and thrift."
5. J X M Letter to Steyn 12.3.08
6. S A N 2.3.08
7. L D V p.425
8. S A N 24.4.08
9. Ibid 3.6.08
10. C T 12.6.08, 18.6.08
11. J X M General Smuts to Merriman. 10.6.08.
12. L O M p.245
13. C T 20.6.08
14. C T 24.6.08 Speech in the Assembly 23.6.08
- S A N 24.6.08
15. J X M Memorandum on the finances of the Colony.
16. S A N 1.7.08 Estimates: Revenue £6,777,480
Expenditure £7,679,241
Deficit £ 901,761
17. C T 1.7.08
18. S A N 1.7.08
19. C T 6.7.08 "Yesterday afternoon a well attended mass meeting was held on the Grand Parade, at which the new taxation proposals were vigorously denounced."
20. S A N 21.7.08
21. C. T 25.7.08, 29.7.08
- S A N 23.7.08, 25.7.08

22. S A N 28.7.08 Extract from the "Herald"
23. Ibid 28.7.08 Extract from the "Mercury"; "There is no guarantee that the new taxation will prevail for only one year. The probability is that twelve months hence the number of European adults in the country will have decreased, Government departments will show still less favourable returns, and taxation, instead of being lowered, will have to be still further increased."
24. C T 4. 7.08, 14.7.08
25. S A N 4.8.08 Extract from the 'Herald', Tarkastad: "A more bare-faced breach of faith and repudiation of liabilities has probably seldom been attempted by any Government in modern times." Other extracts from the 'Mail', Grahamstown, the Colesberg 'advertiser', repeat these sentiments.
26. C T 25.7.08 Cronwright-Schreiner's amendment exempting the salaries of married men, with dependents, below £150 defeated by 13 votes in a House of 91.
- 24.7.08 Dr. Smartts' motion to go into Committee rejected by 50 votes to 37.
27. S A N 27.7.08 The 'S.A. News' supported the land tax and the gun tax but disapproved of increasing native taxation.
28. Ibid 14.7.08
29. C T 23.7.08
30. C T 25.7.08
- S A N 29.7.08 Asked in the Assembly whether the Government was prepared to enforce the working of the Kimberley mines, Merriman refused saying that it was merely the action of prudent owners.
31. S A N 28.7.08
32. C T 11.8.08

- 35.
33. S A N 27.8.08 Merriman in Parliament on the 26.8.08:
"We came to the conclusion that it would not be wise to force that Bill (Estate Duties) through at the present time."
34. Ibid 23.7.08 The 'S.A. News' estimated that 200 whites and 1200 natives would swell the ranks of the unemployed. Railways alone would lose over a £1000 a day and the Wages Bill of the Colony would be reduced by over a million pounds.
35. C T 22.8.08
36. Ibid 4.8.08
S A N 4.8.08
37. Ibid 18.9.08
38. C T 19.9.08 Devoted a column to the views of financiers who expressed optimism and commented favourably on the new loan.
S A N 25.9.08 Printed extracts from the 'Diamond Field Advertiser', the 'Cape Daily Telegraph', the 'Transvaal Leader' and the 'Natal Mercury' all in favour of the loan.
39. J X M French to Merriman 26.9.08
40. C T 7.10.08
41. S A N 5.10.08
42. C T 8.10.08
43. Ibid 6.11.08 Revenue Figures: Customs. Railways.
September £ 81,974. £209,425.0.0
October £112,500. £230,000.0.0
44. Ibid 26.10.08 Reports further retrenchment in the Colonial Office, the Treasury and the Public Works Department.
17.11.08 Reports further retrenchment in the Post Office at Port Elizabeth.
45. S A N 21.12.08
46. C T 21.12.08
S A N 22.12.08

47. Ibid 4.3.09
48. J X M Merriman to General Botha 26.3.09
49. S A N 5.6.09 Speech in Assembly 4.6.09
- Deficit figures: 1908 July £313,800
 August £377,000
 September £427,000
 October £528,000
 November £436,000
 December £477,000
 1909 January £467,000
 February £ 415,000
 March £249,000
 April £315,000
 May £268,000
50. J X M Currey to Merriman 29.6.09
 6.7.09
 21.7.09
 27.7.09
 3.8.09
51. J X M Merriman to General Smuts 27.9.09 "Strictly confidential would your Government give their assent to our imposing half-penny stamp on consumption cigarettes to meet possible remission of part of excise you are aware of embarrassing position."
52. J X M General Smuts to Merriman 28.9.09
53. J X M Memorandum on finances of Colony.
54. S A N 6.10.09 Figures for 1908: Revenue £7,312,000
 Expenditure £7,676,000
 Deficit £ 364,684
 Income Tax shortfall £40,000.
55. C T 2.11.09
56. S A N 27.1.10
57. J X M Fischer to Merriman 6.12.09
58. J X M January 1910.
- 59: J X M Correspondence between the four Prime Ministers in February 1910.

60. S A N 7.4.10 This was announced by Merriman during the special meeting of Parliament to elect the senators for the Cape on the 6th of April.
61. L O M p.256
62. C T 2.4.10
63. Ibid 20.5.10
64. S A N 6.6.10

NOTE: The following are some figures showing the decline in the prosperity of the Cape Colony from the boom years of the post-war period to the time of the premiership of Merriman. All these figures are taken from the Statistical Register for 1909. The figures for 1910 are not available.

<u>Railway Earnings</u>		<u>Total Value of Diamond Exports</u>	
1903	£5,329,868	1903	£4,988,069½
1904	4,144,319	1904	5,336,982
1905	4,047,065	1905	4,850,660
1906	3,772,770	1906	6,834,369
1907	3,469,936	1907	5,978,531
1908	2,850,139	1908	3,191,582
1909	3,129,054	1909	5,510,642
<u>Revenue from Customs</u>		<u>Revenue from Taxation</u>	
1902-03	£3,503,479	1902-03	£4,398,846
1903-04	2,396,583½	1903-04	3,335,543
1904-5	1,925,879	1904-05	3,214,283
1905-06	1,870,956	1905-06	3,135,882
1906-07	1,763,400	1906-07	2,964,600
1907-08	1,543,088	1907-08	2,853,179
1908-09	1,253,051	1908-09	2,787,956
<u>Total Expenditure under Votes</u>		<u>Total Revenue</u>	
1903-04	£10,862,866	1902-03	£11,701,150
1904-05	9,149,498	1903-04	9,913,855
1905-06	8,231,719	1904-05	8,472,302
1906-07	8,349,719	1905-06	8,236,880
1907-08	7,973,727	1906-07	7,701,192
1908-09	7,681,305	1907-08	6,981,873
		1908-09	7,312,112

<u>Balances of Finances</u>			<u>Figures showing reduction in Railway Expenditure.</u>	
			<u>Gross Expenditure</u>	
1902-03	£503,180	Cr.		
1903-04	949,011	Dr.	1906-07	£3,857,587
1904-05	677,195	Dr.	1907-08	£3,574,462
1905-06	5,161	Cr.	1908-09	£2,046,716
1906-07	648,125	Dr.		
1907-08	991,855	Dr.		
1908-09	369,193	Dr.		

NOTE: Figures of staff reductions in the Posts and Telegraphs and Railways departments during Merriman's term of office:

Post & Telegraphs.	No.of.Staff	Railways	No.of Staff
15.2.08	2912	15.2.08	15,667
30.4.10	2572	30.4.10	14,469
Reduction -	340	Reduction -	1,538

These figures are from the Memorandum on the Colony's finances in the Merriman Papers.

CHAPTER III

Attention must now be turned to the other legislation, apart from financial, which occupied the time of the Cape Parliament during the years 1908 and 1909. This chapter will be devoted to the study of such legislation as was not primarily intended for the purpose of raising revenue and which was fought out for the main part on purely party grounds. The first session of 1908, a short one, was concerned mainly with the authorisation of additional expenditure and no violent party issues arose, nevertheless it will at this stage be fitting to take a quick glance at the state of the parties before going on to a consideration of the work of the second session.

In numbers the South African Party was by far the stronger body. In the lower house out of a total of one hundred and seven seats the Government held sixty-nine, giving an overall majority of thirty-one. In the Legislative Council the South African Party held sixteen seats out of a total of twenty-two. Two-thirds of all the Government members were also members of the Bond and this large contingent was itself made up of elements representing the wine farmers, the sheep farmers and the country towns. The Opposition party, the Progressives or Unionists, to give them the new name adopted by Jameson in 1907 had thirty-three members in the Legislative Assembly, the leadership of whom had fallen on Dr. Smartt, Jameson having left for England on the 15th of April.¹ In the Council the Progressives had six members. The diverse elements amongst the Progressives have been discussed and it will suffice to say that this diversity was aggravated by party discipline far weaker than that of the South African Party. Of the five Independents in the Assembly the main figure was Schreiner, of whom De Waal, in writing to Merriman during the elections in 1907, had said "I would rather see him fall altogether in the outstretched arms of the Jameson lot".² This was an understandable view for a strong party man to adopt, because Schreiner was a man of far too strong principles to support any action with which he did not agree, out of personal friendship or because of party discipline.

However, there were no vital issues raised in the first session, and the South African News was quite justified, when commenting on it,

in saying: "The number of Progressives who really occupy the position of an ordinary opposition is not large and includes few men of weight. Sir Gordon Sprigg is evidently disinclined to act the part of an Opposition Leader, Mr. Schreiner is a critic, but not at present a hostile critic. The members for Kingwilliamstown and many others are much more in a mood for helping the Government in its constructive work than for thwarting it. In fact, at the present moment there can hardly be said to be an Opposition party, and it would have been very difficult to have brought together twenty-five men to vote against the Government in the last few days."³

But although the above was true of the first session it could hardly be said of the second. When it commenced on June 19th, the speech from the throne dealt with the procedure for the National Convention, the necessity for restoring the finances, legislation to improve electoral arrangements, to amend the School Board Act, to check Usury in the Native Territories, the adulteration of wine and other liquors, and to amend the Animal Diseases Act to provide administrative machinery to deal with East Coast Fever.⁴ Apart from the finances and the School Board most of the legislation was of a non-contentious nature and as such did not have much trouble in passing through both Houses. Burton, the Attorney-General, introduced the Electoral Reform Bill which was to shorten the time between the promulgation of the first proclamation and election from five months to five weeks.⁵ The Usury Bill was a straightforward measure insisting that when there were written agreements between borrower and lender they must be clearly and definitely stated, fixing 12% as the maximum rate, both for future and for current loans, prohibiting attempts to impose on borrowers and allowing counts to investigate accounts between borrowers and lenders, so that the latter might not exact more than their 12%.⁶ This Act was proclaimed in force in the Transkei, East Griqualand, Port St. Johns and Pondoland in October.⁷ In July a Scab Act Amendment Bill went through which abolished the grant of free dip and would save the Government £5,000. The sheep farmers tried to induce the

Government to do away with the unpopular inspectors, but without success.⁸ An interesting example of Hofmeyr's influence in Parliament was seen during the debate on a Private Bill introduced by Mr. Pohl. This was a measure designed to compel Judges to allow the use of Dutch in Court proceedings.⁹ It had been attacked by members of the Opposition on the grounds that it was unnecessary and that the decision whether or not to use Dutch could safely be left to the Judges themselves. On the 22nd July, after Alexander had attacked the measure, Malan was left to answer for the Government. The 'Cape Times' reported as follows: "Leaning back in his seat Mr. Malan's eye wandered to the Distinguished Strangers Gallery, and rested upon the face of Onse Jan. There is much virtue in a nod. Mr. Hofmeyr nodded and up sprang Mr. Malan to reply to the member for Cape Town."¹⁰ The Bill was safely piloted through both Houses by Mr. Pohl and passed through the Council in August.

The first half of 1908 saw an attempt by the Wine Farmers to compel the Government to repeal or at least reduce the Excise on Brandy.¹¹ During this attempt Merriman was fortunate in having the support of Hofmeyr, in opposing it. As long ago as May 1907 Hofmeyr had told him in a letter that he had never stated that one of the first planks in the Bond platform was the repeal of the Excise Bill. If I had delivered myself of such a statement I would have said 'the thing that is not...'¹² Hofmeyr was indeed an ally worth having for the position of the wine farmers was acute. During 1907 there had been an immense increase in production and only a moderate increase in the sale of wine brandy, while there had been a drop in the sale of 'dop' brandy, and in the use of brandy for fortification and methylation and among the wine farmers themselves. The result had been great over-production and consequent low prices.¹³

This was obvious to all experts but nevertheless the farmers held that the Excise was the cause of their misery and at the Bond Congress at Robertson in June it was strongly attacked. Malan, De Waal and Theron, the President of the Bond, appealed to the

to the Bondsmen to take a wider view of affairs now that their party was in power. They begged them to remember that the Ministry was now responsible for the whole colony and asked them to give it their full support and not to think only of their own interests.¹⁴ Nevertheless the Committee, which the Bond had appointed to look into the liquor question, recommended a resolution calling for legislation, as soon as the Government considered it possible, with regard to the issue of licences for the sale of light wine, further advances on brandy, and the disposal of the accumulated stores of brandy under advances in foreign markets, and asking the Government to consider seriously the total removal, or reduction, of the Excise as soon as the finances of the country permitted.¹⁵ The issue of licences for the sale of light wine had been recommended in the minority report of the Select Committee on the Sale of Liquor in 1907, and that minority report had been signed by both Malan and De Waal.¹⁶ The Bond was thus only asking for what their leaders had recommended in that respect. Office, however, brings responsibilities as well as power and now De Waal had to point out that it was impossible to reduce the Excise because of the state of the finances and that Malan was sending small stocks of brandy overseas to try to find markets. Nevertheless, due to the influence and fiery eloquence of de Jager, one of the Bond members of the Assembly, who demanded the Abolition of the Excise and the removal of accumulated stocks of brandy, even by burning it, the Committee's resolution was carried by forty-seven votes to three.¹⁷

The demand for the repeal of the Excise continued to grow, with meetings in Worcester, Stellenbosch, Paarl¹⁸ and the Fruit Growers' Congress in Cape Town, all passing resolutions in favour of repeal.¹⁹ On the first day of the second session de Beer gave notice to move that the House was of the opinion that the scab inspectors be retrenched and the £20,000 so saved be used for relief of the brandy farmers in respect of Excise.²⁰ This was followed on the 23rd June by a resolution passed by the Agricultural Union calling for the abolition of the Excise.²¹ The culmination of all this pressure was a huge

deputation of farmers, merchants and others interested in the wine and brandy industry, representative of all wine and brandy producing districts of the Colony, which met the Prime Minister and Malan in Cape Town on the morning of Saturday, 27th of June. The deputation asked for the removal or substantial reduction of the Excise, and the abolition of certain restrictions on the sale of Colonial liquor. Merriman, however, was adamant in refusing to reduce the Excise, but promised relief in the Government taking over superfluous stocks and finding new markets.²² The result was the appointment of a Select Committee to take stock in regard to the Brandy Advances. With that, for the time being, the Wine Industry had to be content.²³

The next important event in the session was the introduction of De Waal of a Bill to amend the Education Act of 1905. This was also due to the discontent of the country constituencies who complained that the burden of the cost of Education fell too heavily on the shoulders of the land-owning classes. Under the system as it existed the Government paid half the expenses and also half of any deficits incurred. The other half was met by the School Boards through school fees and a School Tax. This tax took the form of a rate levied on property and naturally in the country imposed a greater burden on the farmer than on the village or town-dweller.²⁴ Opinion in the country was strong against this and the Bond Congress and the Agricultural Union had both passed resolutions to the same effect.²⁵

De Waal now proposed to change the system to one by which the towns could retain the old method, but in the country the municipal school boards and the divisional councils could choose between a house tax and the existing system. The taxation was to be done by these councils and not by the School Boards. Furthermore, the Government would no longer pay off half the deficit if one should be incurred.²⁶ At the same time new language regulations were introduced and the medium of instruction above Standard III was to be English.

To the latter Hofmeyr, the champion of equal language rights, took offense. He wrote to De Waal strongly urging him to withdraw

all reference to the medium of instruction, and to bring up a new Bill in the following year.²⁷ The upshot of this was that De Waal moved that the Bill be referred to a Select Committee.²⁸ This was done and the Committee returned a unanimous report recommending the financial arrangements outlined above, and also that the Government should pay its share of the deficits accrued in the first half of the calendar year. As far as the language clause was concerned the committee recommended that up to Standard III the medium of instruction should be the home language, above that it should be English, but that two subjects should be allowed to be taught in Dutch.²⁹ When De Waal re-introduced the Bill for the second reading it was found that it followed the lines of the Select Committee Report as far as the financial clauses were concerned but that the language clause had been dropped altogether. De Waal explained that though he favoured equal language rights the Government had decided to drop the language question for a year.³⁰ After a slight tussle with Bill went through its various stages smoothly enough and became law; it was to have serious consequences for the Ministry in the next year.

But the real battle of the session was now at hand. On the 19th August the Prime Minister, while speaking on the Viticultural Vote, announced that he was going to introduce a Bill to promote the sale of Light Wines.³¹ On the 24th the details of the Bill were published and immediately the storm broke. The Bill was obviously designed as a sop to the wine farmers and as such was vigorously attacked by everyone whose interests did not coincide with theirs.

The Progressive press throughout the Colony denounced the Bill as legislation favouring one section of the community.³² The church and women's organisations attacked it from the standpoint of temperance.³³ The towns and villages attacked it saying that it would lead to drunkenness and violence in communities.³⁴ In the Eastern Province it was attacked as being a means to circumvent the restrictions on the sale of liquor to the natives³⁵ and even the licensed victuallers were against it because in their opinion the licences were too easy to obtain.³⁶

With all this in mind it is interesting to read a letter written in 1907 to Merriman by a gentleman who signed himself H.A. Bam asking him to try to use his influence to get Dr. Beck's resolution re light wine licences excluded from a petition to Jameson from the Wine Farmers and Merchants Association on the grounds that it would alienate the Licensed Victuallers' Vote, the Eastern Province Vote and several members, and containing the significant sentence " It also gives our Opposition the means, or a lever, wherewith to ruin the object for which we really are working, that is the removal of the restrictions on the sale of wine to the natives." ³⁷

In reply to the attacks the Government stated that the measure would not increase drunkenness but would rather lead to moderation in drinking by weaning people away from strong spirits to healthy light wines.³⁸ The Liquor trade was being hypocritical in that during the debate on the Wines and Spirits Adulteration Act its representatives had fought for imported wines and spirits and were now opposing the home product. Furthermore the bill would bring a large measure of relief to a depressed and deserving section of the community.³⁹ Nevertheless in view of the strong opposition to the bill in Parliament Merriman deemed it wise to allow the proviso of the principle of local option holding good for the renewal of a licence, previously not given, to be included and the Bill thus passed its second reading by a majority of seven.⁴⁰ In the Committee stage when a division was taken on an amendment moved by Searle, that all the regulations relating to liquor licences should hold good for light wine licences, the Bill was only saved by the casting vote of the chairman.⁴¹ Merriman's amendment to provide local option was passed by a majority of nine on the 7th of September,⁴² after the debate had included an all night sitting on the 4th.⁴³ The next day after another minor concession by the Government the third reading was passed by a majority of seven.⁴⁴ The opposition to the bill outside

Parliament still continued⁴⁵ and when it reached the Legislative Council it came up against a set of recalcitrant South African Party members led by Daverin, a member for the South Eastern Circle. He moved an amendment that the Bill be read that day three months. This was defeated by nineteen votes to four, but the Government felt that in order to get the Bill through the Council it would be wise to allow the principle of local option to hold good for the issue of licences. This was done in the Committee stage and the Bill was passed and became law in the closing hours of the session.⁴⁶ It had been a hard fight and had in fact been a moral victory for the Progressives and their temporary allies, the Moderates. Merriman himself when originally opposing the local option proviso had said that it would render the Bill worthless. Sir Gordon Sprigg on the last day of the session dryly suggested that now that local option had been conceded, Merriman should tear up the Bill.⁴⁷ One result of the measure was to cause a split between the wine-merchants and the farmers. All the merchants in Cape Town who were on the Executive of the Association, seven out of a total of fifteen members resigned. They gave as their reason that "it had been patent for some time past that the wine farmers section of the Association do not desire to act mutually with us for the general advantage of the whole industry."⁴⁸

Throughout 1908 organised labour had been loud in condemning Merriman for his treatment of the poorer classes and his lack of understanding and interest in the working man. There had been deputations of unemployed to both him and Sauer which although receiving a modicum of sympathy were promised no help on the grounds of the poor financial state of the Colony.⁴⁹ Unfortunately Labour had at that time no representatives in Parliament and was thus unable to make itself heard in the only place where it might have achieved something. At the end of the session⁵⁰ Merriman had earned praise for his resolution with regard to the finances but much criticism due to his handling of the School Board Amendment Act and the Light Wine Licences Bill.⁵¹ Hofmeyr had paid him a tribute in

the first respect at the dinner given for the Cruiser Squadron in November.⁵² The Progressives had seen the power of the Bond in action and their press was now accusing it of keeping racialism alive in politics.⁵³

With the new year the demand for the repeal of the Excise once more began to grow. Meetings were frequently held which passed resolutions condemning the Excise.⁵⁴ In February the Draft Act of the Constitution was published and soon the Excise began to be linked with it. At Paarl on the 27th Kohler and de Jager spoke on the subject and resolutions were passed that the last session of the Convention should be informed of the bad state of the wine industry due to the Excise, and that section 117 of the Draft Act should be amended so that the Excise could be abolished immediately. Also that section 15 of the schedule to the Draft Act should be deleted and the problem left to the Union Government to settle.⁵⁵ This interference by the wine farmers might have grown to serious proportions and on the 2nd of March Sauer was at Paarl to explain to the industry how much they would benefit under Union, and how dangerous it would be to try to tamper with the Act or to lay down conditions to the other colonies.⁵⁶ Later in the month the Chief Justice Lord de Villiers spoke in the same place and impressed on his audience the vastness and the supreme importance of the work which the National Convention had done.⁵⁷

To this Kohler reacted with an open letter to the Wine Industry, published in the press on the 20th of March, urging an all out campaign for relief and a big meeting in Cape Town during the first half of April.⁵⁸ There followed a spate of meetings throughout the wine-producing districts⁵⁹ and on April 14th a vast army of wine farmers descended on Cape Town. Special trains were run from Worcester, Stellenbosch and Wellington to bring them to the capital. A huge meeting was

held in the City Hall and was addressed by the Mayor, Kohler and Hofmeyr. The last named, although against the Excise in principle, nevertheless adopted a moderate tone and pointed out various other reasons for the depression of the industry. He urged the farmers not to expect a long-range improvement if the Excise were removed, but recommended the production of better wine as a real and lasting remedy. After the meeting a deputation waited on the Prime Minister who in the course of his reply said " I am going to make a thorough inquiry into the case, but I shall not move for the repeal of the Excise." When this answer was made known to the general body of the gathering it led to an excited demonstration outside the Houses of Parliament. There it took the combined efforts of De Waal, Merriman and Malan to pacify the crowd and persuade them to behave sensibly and trust the Government to do its best for the industry.⁶⁰ The outcome of the affair was that on the 19th it was announced that a commission composed of Retief, Rabie and Ludwig Wiener was to be appointed almost immediately to inquire into the state of the industry.⁶¹

The wine farmers were not to be bought off with a mere commission however, and a deputation of four headed by Kohler was sent to Bloemfontein to put the industry's case before the last session of the Convention. There they met with sympathy but no immediate help, and so the campaign continued.⁶² More meetings were held⁶³ and when Parliament re-opened on the 1st of June the question was whether the wine farmers would put up a fight and obstruct the passing of the revised Draft Act in order to achieve their ends. The night after the opening day a caucus meeting was held at the Royal Hotel, Cape Town to decide. No resolutions were taken and the press was excluded from the meeting.⁶⁴ However it appeared almost certain that they were persuaded not to embarrass the Government by the promise of a scheme to get rid of the accumulated stocks of Brandy. This had been mentioned in the speech from the

throne⁶⁵ and on the 8th of June Merriman introduced a motion authorising the Government to take over all securities against which advances had been made under the Acts of previous sessions, and expressing the opinion that the stocks of brandy should be disposed of to the best advantage, so as not to come into consumption within the limits of the Union in a potable state. This motion was carried unaltered.⁶⁶

The publication of a report by Lord Elyth, an English expert brought out by the Government some months previously to examine the state of the industry, threw no new light on the subject,⁶⁷ but the new scheme improved the situation slightly, both Dr. Beck⁶⁸ and Currey writing to Merriman in July to say that the market had improved somewhat and that the wine farmers seemed a little less dissatisfied.⁶⁹ There followed none the less in July and September deputations to Malan and de Waal on the subject. Malan was especially sympathetic promising Government aid as soon as the Commission had made its report.⁷⁰ De Waal was more cautious warning that if the Excise were removed some other taxation would have to follow to make up for the loss of revenue which would result.⁷¹

On the 23rd of September Parliament re-opened and the next day the Wine Commission published its report making a number of recommendations. The most important of these were the reduction of the Excise on Wine Brandy and the freeing of wine from the restrictions which it had shared with spirits.⁷² The very next day Malan wrote to the Prime Minister expressing his own views. He pointed out how the wine farmers had helped to win the election, and how through previous sessions they had loyally stood by the Government, and only now were becoming hostile. He himself would have liked to see the total abolition of the Excise but he was prepared to fall in with any scheme which would materially assist the industry.⁷³

The situation now became extremely tense; on the 28th Merriman wrote in a letter to General Smuts with regard

to Excise " I have to face great pressure."⁷⁴ On the 30th he was asked in the Assembly whether the Government intended to introduce legislation with a view to ameliorating the condition of the wine industry, and if so, in what form. His reply was " Well, sir, I do not intend to give way and I can inform the honourable member that I do not think it is possible in the interests of this country, and above all, in the interests of the wine farmers to remove the Excise at the present moment." However he promised to give a full account in a few days on what steps the Government intended to take in the way of liquor legislation.⁷⁵ The situation was now critical. Caucus meetings were held by the wine farmers on the 6th, 7th and the 8th of October on the question whether to fight the Government or not but no decision was reached.⁷⁶ Merriman by this time was thoroughly disgusted by the whole affair and on the 10th wrote to his mother saying " I have to deal with these squalid intrigues that centre round the brandy cask. The Opposition are behaving very well, possibly they see that it is no use fighting a man or a party who are bent on suicide."⁷⁷ He had however to give way somewhere and like a true politician he sought a compromise and on the 13th he announced that the Government would try to remove the Local Option clauses in the Light Wine Licences Act.⁷⁸ This immediately led to the fiercest battle in the life of that Parliament; but this will be dealt with later. When it was all over, however, Merriman introduced a Bill to reduce the Excise on Wine Brandy from six shillings to three shillings a gallon, and this met with little resistance passing through both Houses with comparative peace and quiet.⁷⁹

At the same time as the Excise crisis was coming to a head steps had to be taken to repair the damage that the School Board Amendment Act of the previous year had caused. The Act had been criticised from the start by the Progressive press as destroying the good work done by the Act of 1905 and driving a wedge between town and country.⁸⁰ This was now

confirmed and it was also alleged to have had an even more serious effect, that of causing a general decline in the standard of Education. The first effect was caused by the natural tendency of the rural divisional councils to adopt the new house tax as the means of raising the revenue, and the second by the refusal of the Government to pay half the deficits accrued. This had led the councils to ensure that there would be no deficits by limiting expenditure to the point of parsimony, which meant a deterioration in facilities, buildings and teachers.⁸¹ At the Bond Congress held in March there had been thirty-six resolutions handed in demanding the repeal of the Act and bitter speeches had been made against it.⁸² The position was emphasized by a motion passed at a specially convened meeting of the Cape School Board, which called for increased money for Cape Education and early steps towards a national system of education.⁸³ The snag here was that agreement had been reached between the colonies at the Convention not to permit any appreciable increase in taxation, and that it had been laid down that after Union monies would be granted for Provincial Education on the basis of the amount allotted by each colony at the time of the agreement.

In July 1909 the situation seemed serious enough to Currey, left in the Cape in charge of financial affairs, for him to keep in constant gloomy correspondence with Merriman in England. He pointed out the general unpopularity in the rural districts of the local ^{tax} and said that the people were no longer prepared to bear the burden of the whole deficit. The agitation against the Act was being led by C. Searle, Fremantle and H.S. van Zyl and Currey suggested the borrowing of £100,000 to meet the deficits, providing that the other colonies would agree. He was alarmed at the prospect of the educationalists allied with the wine farmers and thought that they could only be defeated with the help of the Opposition, which he felt was not a cheerful prospect. He criticised De Waal and wrote "De Waal produces a new scheme with every morning's sun" and later referred to the impossibility of a Cabinet discussion "more particularly

(strictly *entre nous*) when the Minister in charge of the subject has no convictions whatever in reference thereto and is quite prepared to accept any scheme which he can carry with his friends sitting behind him!"⁸⁴ In this respect De Waal felt the need to justify himself to Merriman and in August wrote to him saying "I do not anticipate that we shall have to go out on Education", But there is not the slightest doubt that unless we do something educational advancement is out of the question" and "I can hardly be charged with a desire to legislate on political lines when I am doing all I can to practically prevent any legislation whatsoever."⁸⁵ However, with the return of Merriman steps were soon taken to remedy the situation; on the 6th of October De Waal introduced another Amendment Act which embodied new financial proposals. By this the Government levied through the Divisional and Municipal Councils a school tax of one-eighth of a penny in the pound on the registered value of property in the school district and took over the whole deficiency. ^{There} Here were also provisions to ensure a closer supervision by the Auditor-General of School Board finances.⁸⁶ This although criticised by the Progressive press as only undoing the harm done by the Act of the previous year was generally welcomed as tending to improve matters in the country.⁸⁷ As such it was an effective answer to a minor crisis. In January as a final step before Union De Waal announced the appointment of a Commission to enquire into the system of Education in the Cape Colony in all schools other than those for aborigines.⁸⁸

But, as mentioned before, the fiercest battle of the session was fought over the Bill to amend the Light Wine Licences Act of 1908. This had been foreshadowed as early as May 1909, when Malan in addressing his constituents at Malmesbury had pointed out the doing away with of the Local Option principle as a means of helping the wine industry.⁸⁹ Before Merriman announced the introduction of the Amending Bill⁹⁰ its principle had been condemned by the Progressive press, especially in the Eastern Province, where the extension of liquor facilities to the natives was regarded with horror.⁹¹ On the Prime Minister's announcement the

Opposition girded its loins for battle, and a battle it was; one which deserves a place in the history of the old Cape Parliament.

The Bill was introduced in the Legislative Council on the 21st. of October and its fate there was doubtful. The South African News commented "It is freely stated that certain members of the South African Party in the Council, who voted in favour of the clause (local option) last year waited on the Prime Minister this morning (19th October) and intimated that they will adhere to their attitude when the amending bill comes up."⁹² When it did come up for its second reading Merriman made a fighting speech attacking its opposers as an alliance 'of publicans, bishops and political party managers.'⁹³ That evening at a meeting in the City Hall to protest against the Bill the speakers included the Archbishop, Schreiner, Jagger and T.Searle.⁹⁴ Two days later the Bill passed the second reading in the Council by a majority of two, and the next day the third reading by the same number of votes.⁹⁵ It then went to the Assembly and was read a second time by Merriman who immediately moved for its discharge.⁹⁶ It was re-introduced on the 8th of November by Sauer and now contained an amendment allowing municipal councils to issue licences instead of the licensing courts. Dr. Smartt in reply declared that the Opposition had no wish to delay the business of the House but that they were determined to impede and prevent the passage of the measure 'by every means which Parliamentary procedure allows us'.⁹⁷ This they proceeded to do and on Thursday the 11th of November there took place an all-night sitting which lasted till 5.15 a.m. on the 12th. The debate had then lasted some fifteen hours and not a single member of the Ministerial party had spoken, except by way of interjection. When the final division was taken on the second reading then it was passed by sixty-three votes to thirty-two. Such an event did not pass unnoticed by the press. The 'Cape Times' held it up as an unprecedented example of power the party caucus and contempt of the criticism of an official Opposition.⁹⁸ The 'South African News' on the other hand con-

demned the Opposition's tactics as being purely obstructive.⁹⁹

But the worst was yet to come. On Monday the 15th of November at 2 p.m. the Committee Stage was reached. The Opposition, however, dragged on the motion to go into Committee right through the afternoon and well into the evening, until at 10 p.m. the Speaker applied the closure. Smartt asked for permission to move a motion to report progress, which Merriman refused. Schreiner endeavoured to mediate and the Prime Minister consented to adjourn if the Opposition would pass the Committee stage the next day after a full day's discussion. To this Smartt would not agree unless the Government would accept an amendment for the provision of elective boards to issue licences. At 11 p.m. Smartt's motion to report progress was divided on and was defeated by sixty-one votes to thirty-three, and the House then settled down for another all-night session which went on till 12.30 p.m. the next day. During the all-night session the closure had again been applied, this time by the Chairman of Committees on the first clause of the Bill.¹⁰⁰ The Opposition refused to accept his ruling and called in the Speaker, who refused to interfere with his decision. Finally the Government accepted an amendment by Colonel Crewe prohibiting the issue of licences in native locations. The third reading was passed on the 19th of November in spite of the 'Cape Times' meanwhile publishing telegrams from municipalities in all parts of the Colony protesting against the Bill. The 'Times' also pointed out that the population of the municipalities against the Bill numbered 319,468 while that of those in favour of it amounted to 13,400.¹⁰¹ The Legislative Council accepted the amendments passed in the Assembly by sixteen votes to six on the 23rd of November and the Bill became law.¹⁰² Later an ironic sidelight was thrown on the Act when in March 1910 an application was made in Paarl for a Light Wine Licence and was opposed by the Farmers' Association there on the grounds that it would lead to violence due to drunkenness!¹⁰³

During the session there had been an attempt in November to have the Scab Act modified in favour of the farmers. This had been cut off sharply by the Cabinet who voted with the Opposition

in order to do so.¹⁰⁴ Although the Bond Congress at Dordrecht in March had favoured modification of the Act and Malan had been sympathetic,¹⁰⁵ the report of the Chief Inspector had shown that in 1908 the percentage of infected sheep had risen.¹⁰⁶ The sheep farming 'bloc' was not powerful enough to force its desires upon the Ministry and as a result no concessions were obtained.

The death of Hofmeyr in London on the 16th of October had evoked many tributes to him in Parliament and both Houses had adjourned as a mark of respect.¹⁰⁷ His position as Chairman of the Kommissie van Toezicht had been filled by De Waal.¹⁰⁸ Parliament rose on the 3rd of December and two days before that Merriman had summed up the effect of the session in a letter to Sir Somerset French in London as follows: "The session has not I think weakened the Government but it has damaged the Colony to a certain extent and has very prejudicially affected my own position vis-a-vis Union, which was in some measure the aim of some our wine people."¹⁰⁹ In the new year with the prospect of Union looming rapidly into view Cape politics as such slowly faded out becoming absorbed into the wider sphere of Union politics.

NOTES TO CHAPTER III -

1. L O J p.277
2. J X M De Waal to Merriman 26.10.07
3. S A N 28.4.08
4. Ibid 20.6.08
5. Ibid 29.6.08
6. Ibid 20.7.08
7. C T 16.10.08
8. S A N 30.7.08
9. Ibid 28.8.08 On the 27.8.08 the Bill passed its third reading in the Legislative Council.
10. C T 23.7.08
11. L O H p.630 "One of the means, by which the Jameson Cabinet had attempted to equalize revenue and expenditure, had been the imposition of an Excise...."

NOTE - This Excise had been at the rate of 6/- per gallon on Wine and 'Dop' Brandy, by which was meant Brandy distilled from the husks. The Excise also served to prevent illegal sales of brandy to natives, because it entailed the registration of all brandy produced and passing between farmers and merchants.

12. J X M Hofmeyr to Merriman 13.5.07
13. S.R.1909 Figures of production and use of Colonial spirits, in gallons.

<u>Year</u>	<u>Production</u>	<u>Consumption</u>
1905	£1,450,591.0.0	£1,144,847.0.0
1906	1,384,703.0.0	1,307,165.0.0
1907	1,788,317.0.0	1,253,361.0.0
1908	1,476,133.0.0	1,227,033.0.0
1909	1,205,326.0.0	1,274,179.0.0

14. C T 5.6.08
- S A N 5.6.08
15. Ibid 9.6.08
16. Appendix to Votes and Proceedings of Parliament 1907.

17. S A N 9.6.08
18. Ibid 15.6.08 J.A.C.Graaff at Worcester meeting pointed out that the Government could not reduce the Excise in 1908, but said that he would fight for the reduction in 1909.
18. C T 20.6.08 The Congress also passed resolutions in favour of Protection for South African fruit and Lower railway rates.
20. C T 20.6.08
21. Ibid 25.6.08
22. S A N 29.6.08 The superfluous stocks referred to were stocks of brandy held under the scheme of brandy advances. This was a scheme started by Jameson in 1904 to mitigate the effects of the Excise. The Government advanced the farmers £10 a leaguer for their brandy which was then stored until it could be put on the market.
23. C T 24.7.08
- NOTE: An example of the power of the wine farmers was seen in August when Dr.Beck, one of their leaders in the Assembly, opposed an amendment to the Wine and Spirits Adulteration Bill which allowed Cape brewers to use 25% of sugar in the manufacturing process. When a division was taken on the amendment it was defeated by 42 votes to 33. The members of the Cabinet, with one or two other Ministeria- lists voted with the minority, the majority being composed of the rank and file of the S.A.P.
- C T 6.8.08
24. Malherbe p.127
25. C T 23.6.08 Resolution passed by a meeting of the Agricultural in Cape Town on 22.6.08 "That the Education Act be so amended

that the burden of the taxation for the half share in deficits in School Boards does not fall exclusively on the land-owner."

26. Malherbe p.127
 C T 4.7.08. The Bill was attacked by the 'Times' on the grounds that it threw the financial burden on to the house-occupier.
 S A N 6.7.08. The S.A.News welcomed and approved of the Bill.
27. L O H p.617
28. C T 6.8.08
29. S A N 19.8.08
30. C T 3.9.08
31. S A N 20.8.08
32. C T 25.8.08
 S A N 25.8.08 Reports vigorous campaign being planned in Port Elizabeth against the Bill. Also a meeting of protests of the Observatory Baptist Church.
33. C T 28.8.08 On the 27.8.08 two deputations one from the Womens' Temperance Campaign and one from the various Christian bodies of the Peninsula saw Merriman to protest against the Bill.
34. C T 29.8.08 Meetings in Kimberley and Grahamstown to protest against the Bill.
 S A N 1.9.08 Meeting in City Hall denounced Bill.
 Meetings in Vryburg, Aliwal North, Cathcart.
 C T 2.9.08 Meetings in Paarl, Kingwilliamstown, Beaufort West and Port Elizabeth all passed resolutions protesting against the Bill.
 Ibid 5.9.08 Meetings at Dordrecht and Uitenhage passed resolutions against the Bill.
35. S A N Extract from the Uitenhage 'Times' -

"The Light Wine Licences Bill is a legislative outrage."

36. C T 29.8.08 Deputation to the Prime Minister from the Licensed Victuallers of the Peninsula.
37. J X M H.A. Bam to Merriman 8.6.07
38. S A N 27.8.08
39. S A N 7.9.09
40. S A N 27.8.08 The Bill was introduced for its second reading by Merriman on 26.8.08.
- C T 1.9.08 Reports a S.A.P. caucus meeting on the morning of the 31.7.08 "It is understood that after a careful review of the situation, and a rather stormy meeting, the Ministry realised that if the Bill were present to the House in its present form, it would be defeated by a narrow majority. It was decided that rather than imperil the Bill, the principle of local option should, as Mr.Sauer announced during the afternoon, be conceded.
- S A N 1.9.08 Debate in Assembly. Strong Opposition attack by Oliver, Green, Kuhn, Jagger, Thorne, Searle and Smartt. Sauer, Tod and Merriman defended the Bill. Second reading passed by a majority of 7.
41. S A N 4.9.08
42. Ibid 8.9.08
43. S A N 5.9.08
- C T 7.9.08 Quoted a speech from Hansard made by Merriman in 1891 exploring Mr. Hofmeyr to grant the principle of local option to householders.
44. S A N 9.9.08 The concession made the Licence dependent on the approval of the Licensing Court as a Court not upon the consent of individual members.

45. C T 8.9.08 Report of a meeting held in the City Hall to demand the principle of local option.
- Ibid 10.9.08 Reports a document sent to the Prime Minister from the principal ministers of the Dutch Reformed Church in the Peninsula protesting against the Bill.
46. C T 11.9.08
NOTE - Principles of the Light Wine Licences Bill. The main principles of the Bill as originally introduced were
1. Licences to sell Light Wine could be obtained for the payment of a moderate sum.
 2. These licences were to be issued by Licensing Courts.
 3. The principle of local option was not to apply to Light Wine Licences.
47. S A N 12.9.08
48. C T 16.10.08 These merchants were H.A. Bam, G. Green, G.T.Powis, J.F.V. Clark, R.T.Kramer, G.Gerber and one other.
49. Ibid 5.6.08 Labour Petition to Merriman.
- Ibid 6.6.08 'Times' criticises Merriman for his treatment of the deputation.
- Ibid 15.6.08 Report of a meeting in Stal Plein on the 13th which denounced Merriman as a political hypocrite and a capitalist.
- Ibid 20.6.08 Report of a meeting at the Metropolitan Hall at which resolutions were passed criticising Merriman and demanding factory legislation.
- Ibid 15.12.08 Deputation to Sauer of unemployed asking Government to provide work.
50. Session ended 11.9.08
51. C T 12.9.08
S A N 7.10.08 Colonel Crewe and Hellier speaking to constituents at East London criticised the work of the Government in the session.

52. C T 6.11.08 Extract from report of Hofmeyr's speech
 "They had a lingering feeling, a modicum of admiration and approval for the dogged, determined, persistent obstinacy in which Mr. Merriman and his colleagues had tried to make both ends of our finances meet."
53. S A N 6.1.09 Extract from the Kimberley 'Advertiser' -
 "There must always be a risk of racialism in our politics so long as the Bond constitutes a solid racial 'bloc' as at present."
54. Ibid 19.1.09 Meeting at Stellenbosch declared the Excise responsible for the condition of the wine industry and requested the Government to abolish it. Called on all M.P.'s to act in accordance with the wishes of their constituents.
- C T 22.2.09 Meeting at Montagu demanded the abolition of the Excise and called on members of Parliament to do all in their power to obtain it.
55. C T 1.3.09 Note: Section 117 of the Draft Act dealt with the revenues of the colonies. Section 15 of the Schedule dealt with prohibition of the sale of liquor to natives in the territories, and the restriction on the introduction of liquor into those areas.
56. Ibid 3.3.09
57. L D V p.470
58. C T 20.3.09
59. Ibid 12.4.09 Reports meetings in support of the winefarmers demonstration in Robertson, Paarl, Piquetberg, Tulbagh, Riebeek Kasteel, Durbanville and Graaff-Reinet.

60. Ibid 15.4.09 From the 'Cape Times' report.
Some of the reasons Mr. Hofmeyr gave for the depression of the wine industry were, a decrease in the consumption of alcoholic liquors altogether, the bad effect of the depression on the purchase of luxuries, the almost complete disappearance of the native market in the Eastern Province.
61. S A N 19.4.09
62. Ibid 5.5.09
63. C T 26.5.09 The Vigilance committee which had been formed at Paarl to keep the campaign going arranged meetings.
- S A N 31.5.09 Extract: "The Excise must go" was the cry raised at the meetings of wine farmers held throughout the wine making districts on Saturday.
- C T 31.5.09 Reports meetings held at Stellenbosch, Paarl, Worcester, Robertson, Caledon, Swellendam and Constantia urging their representatives in Parliament, and the Government to take steps to aid the industry and to repeal the Excise.
64. S A N 2.6.09
65. C T 2.6.09
66. Ibid 9.6.09
67. S A N 26.6.09 Recommendations contained in Lord Blyth's Report:
1. Pay more attention to the home market.
2. Increase the underground cellerage.
3. Export only very good quality wine to Britain.
4. The Government of the Union should make red and white wine available on the railways at fixed low prices.
5. Pay attention to the possibility of exporting raisins.
6. The cost of a merchants licence should be in proportion to his trade.
68. J X M 385/09 Beck to Merriman 12.7.09
69. J X M 438/09 Currey to Merriman 21.7.09

70. C T 22.7.09

The deputation saw Malan on the 14th and on the 22nd published a letter giving the answer received from him.

- "1. The aims of the deputation had his fullest approval.
2. That he would try as soon as the Wine Commission had framed its report to make it public as speedily as possible, which would probably be done within a month.
3. That he would use his influence to have the Transvaal Liquor Commission also sit in the South-Western Districts, for the purpose of giving those interested there an opportunity of giving evidence before it.
4. That if the Wine Commission made any recommendations which were in agreement with the aims which the deputation had in view, the Government, together with the wine farmers of the South-Western Districts, would try to give effect thereto; and in the event of such not appearing to be the case, the Government would be willing to give moral and financial assistance, so that the purpose which the deputation had in view might be realised."

71. C T 4.9.09

72. Ibid 24.9.09

Recommendations of the Wine Commissions' Report.

1. Reduced railway rates on wine.
2. Depots under Government control in the principal centres for the sale of South African wines.
3. Better advertising for South African wines.
4. The encouragement of vinegar production by including all acetates with Acetic acid in the Customs Tariff or by imposing an Excise on all vinegar not made from wine.
5. Strict administration of the Wine, Beer and Spirits Adulteration Acts.
6. An easier method of getting licences under the Light Wine Licences Act.

Suggestions:

1. The reduction of the Excise on wine brandy.
2. The freeing of wine from the restrictions which it at present shared with spirits.

73. J X M 571/09

Malan to Merriman 25.9.09

74. J X M 576/09

Merriman to General Smuts 28.9.09

75. S A N 1.10.09
76. Ibid 9.10.09
77. J X M 585/09 Merriman to his mother 10.10.09
78. S A N 14.10.09
79. C.T 3.12.09 On the 2nd of December the Excise Duties' Bill was read a third time in the Assembly and passed by 41 votes to 18.
80. Ibid 22.1.09
81. Education Gazette. December 1908.
82. S A N 5.3.09
83. Ibid 22.4.09
84. J X M 405/09 Currey to Merriman 13.7.09
438/09 Currey to Merriman 21.7.09
459/09 Currey to Merriman 27.7.09
482/09 Currey to Merriman 4.8.09
85. J X M 421/09 De Waal to Merriman 16.7.09
484/09 De Waal to Merriman 4.8.09
86. Malherbe p.127
87. C T 7.10.09
88. S A N 8. 1.10
89. C T 31.6.09
90. S A N 14.10.09
91. Ibid 1.10.09 Extract from the East London 'Despatch'
"It is the people in this portion of the Colony, not those in the West, who have to live among, or near to, the natives, and it is they who will suffer the disastrous consequences if the restrictions are taken away."
92. S A N 20.10.09
93. Ibid 26.10.09
94. C T 26.10.09
95. C T 28.10.09 Daverin again voted against the repeal of Local Option, but Lombard, Raubheimer and Pretorius who defended Local Option in 1908 now voted for repeal.

96. S A N 5.11.09
 97. C T 9.11.09
 98. Ibid 12.11.09
 99. S A N 13.11.09
 100. Ibid 16.11.09
 101. C T 19.11.09
 102. S A N 24.11.09
 103. Ibid 2.3.10
 104. C T 5.11.09
 105. S A N 9.3.09
 106. C T 19.7.09
 107. Ibid 19.10.09
 108. Ibid 10.12.09

Hofmeyr's place as Chairman of the
 Committee of the Cape Town branch of
 the Bond was taken by Malan.

109. L O M p.311

CHAPTER IV -

So far only the internal politics of the Cape Colony have been dealt with and these matters although they were of vital importance to the Cape were essentially of secondary importance to South Africa as a whole. This chapter will deal with the growth of the Closer Union movement in the Colony and the part played by the Cape in the National Convention.

The movement had received its first big stimulus from the request of the Jameson Ministry to Lord Selborne for an exposition of the problem of railway and customs policies throughout South Africa. The memorandum which was the response to that request had brought the necessity for some form of Union into the public eye and had stimulated country-wide discussion of it. The political leaders of the Transvaal and the Orange River Colony had been fully aware of this necessity and had discussed it in their correspondence with Merriman, but had been of the opinion that Union would have to wait until responsible government was firmly established in their respective colonies and the South African Party had gained control of the Cape.²

In the Colony itself early in 1907 Hofmeyr had made a speech at Wellington in which he had advocated Federation and co-operation between the two European races in South Africa.³ Jameson had accepted this gesture gladly and replied to it in a speech in Cape Town in June saying "Since reading the speech, Federation is infinitely nearer than it ever was before....".⁴ Shortly after this came the opening of Parliament followed by the publication of the correspondence between Jameson and Lord Selborne, which had led to the Selborne Memorandum. The proposals contained in the Memorandum were welcomed by Theron, the President of the Bond, as a step towards Closer Union, but Merriman, always on guard against British interference, had been less favourably disposed towards them. Confirmation of the Bond's desire for federation came in the next month with Malan's motion

of a resolution demanding preliminary steps towards a union of British South Africa and this was warmly seconded by Jameson.⁵ Merriman again remained cool and took no part in the debate, which caused General Smuts to write to him warning him against impatience with Malan and counselling sympathy and wisdom in handling him, assuring Merriman that he would be a loyal lieutenant in time of need.⁶

Shortly after this came the collapse of the Jameson Ministry followed by the elections. Merriman fought them on the twin planks of Finance and Union while Jameson chose a Federation programme which could not check the South African Party landslide which resulted. On publication of the results of the election for the Legislative Council Jameson realised that he had no hope of victory and expressed the opinion that the South African Party would remain in power for a period of eighteen months to two years. "In the meantime" he wrote "Federation will have to wait".⁷

Throughout the elections Merriman had not definitely outlined his ideas on Closer Union but had been content to say that he favoured a form closer than Federation.

During this period however his private correspondence shows that he was constantly exercised in his mind as to the form and shape which Union should take, and the manner in which it might be achieved.⁸ Thus on the 24th of February he sent General Smuts a draft of his ideas on Union. In this he agreed on the need for quick action and stated that he was even prepared to force it through without Natal. He acknowledged the forces working against Union, among them being isolationism in the Transvaal, jealousy and fear of 'annexation' in the Cape and the dread of a 'Dutch' majority in England. He wanted Generals Botha and Smuts to visit Port Elizabeth during the Agricultural Show there and though such a visit would have a very good effect in the Cape. As far as the form of Union was concerned he wanted one as close as possible, with possibly, one Central Parliament, under which would be Provinces having their own provincial councils under a chief executive officer. The Central Parliament would be the law-giving body and would be responsible for all administration not expressly delegated to the Provinces. In order to prevent the Cape Colony being too unwieldy

for a provincial council it might be possible to split it up into two or more provinces. The greatest difficulty would be the franchise and here he thought that members should be allocated on the basis of European population only, leaving the question of the franchise to the individual colonies with the provision that the local franchise should not be altered except by a majority of two-thirds of the voters in the province, to be ascertained by a plebiscite of registered voters in it. He preferred a single-chamber legislature but admitted the weight of opposition to it, and thought that if there were to be a Second Chamber it would be best if it were elected by the Provincial Councils. As to the question of the capital of the Union he was indifferent, and he thought that Debts, Railways, Defence, Native Affairs and Higher Courts should all be taken over by the Central Parliament. He recommended the study of the Swiss federation to General Smuts and concluded by saying "We must depend in the main on the senti-
ment of the South African Party, always recollecting that the defence of prejudice and self-interest always tends to be far stronger than attack."⁹

General Smuts however disagreed with the idea of achieving Union by a 'coup de Main'. He thought that the procedure to be adopted should be very carefully worked out as it might well prove of vital importance to the project, and considered that the forthcoming Inter-Colonial Customs Conference at Pretoria should discuss and lay down this procedure. He wrote as much to Merriman and requested him to study the problem of preparing a Constitution and of obtaining its acceptance by the country. To this Merriman replied that while he thought that the Conference should discuss fully the main points of the nature of Union, such as whether it should be a federated or a unified system, the powers of the provincial governments and the question of the franchise, nevertheless it should not go further than, after adopting a resolution in favour of the principle of Union, to lay down the basic steps to be followed in attaining that Union. These should be that "the several Parliaments should nominate delegates to a Convention, such delegates to be on the basis of the European population in

in each state, and to be chosen as each Parliament might prescribe. The Convention so chosen should proceed to draw up the Constitution, which instrument should be submitted to the several Parliaments for acceptance or amendment. That such amended Constitution should be again considered by a Convention and then submitted for ratification to a plebiscite of the States." He then pointed out the examples of the other Dominions and raised the point of whether the Constitution should be a Parliamentary Constitution or not an act of the various states approved by the Crown. He estimated that the steps he had described should not take more than twelve months and that the Constitution could be submitted to the various Parliaments in 1909.¹⁰

Merriman sent copies of this correspondence to Chief Justice Lord de Villiers¹¹ who thought that it opened up a practical way to Union. He thought however that each Colony should have equal representation at the Convention and pointed out the only Constitutional way in which Union could be achieved, showing that an Imperial Act would be necessary.¹² With this latter Merriman had perforce to agree but neither he nor General Smuts was willing to agree with the former suggestion. Merriman now wrote to Steyn asking him to use his influence in the Orange River Colony to promote the cause of Union and outlining his ideas as to the procedure to be followed. He also expressed the opinion that both Steyn and Lord de Villiers should have seats on the Convention.¹³

Merriman met General Smuts at Port Elizabeth during the former's tour of the Eastern Province and there they came to general agreement as to procedure and the basis of representation and then was soon back in Cape Town where he received Lord de Villiers' criticism of his ideas for Union. He wrote to General Smuts regarding this, saying "criticism from such a source is valuable" but refused to give up proportional representation for the Convention. He pointed out that at the Convention there were three elements in the Cape Colony which should be represented:

the Government and the Opposition; the Agricultural and the Commercial elements; and the East and West. He wanted at all costs to "avoid the idea that the Convention is to be a mere hole-and-corner meeting of a few politicians."¹⁴ At the Emergency Session of the Cape Parliament in April he announced that he and two of his ministers were to be the delegates to the Customs Conference and, at the same time, gave vent to his dislike of the method of fixing a customs tariff by such a Conference. He looked upon it as an infringement of Parliamentary supremacy in that the delegates returned with a tariff which they presented to Parliament with the alternative of either accepting it or breaking up the Customs Convention. He read a statement of the policy which would guide him at the forthcoming Conference, which maintained "that it was desirable that the Colony should be at liberty to impose duties in excess of the Convention duties on imported commodities consumed within its borders in order to secure a more reasonable protection for the products of the soil and for colonial manufactures, and that, in lieu of differential railway rates in favour of colonial produce, additional duties should be levied at the ports, thus equalising the burden on coastal and interior-dwelling taxpayers."¹⁵

On the 4th of May the Conference met at Pretoria and its course followed in all essential that planned by General Smuts and Merriman. The Natal and Orange River Colony members put up a fight for equal representation and voting by states in the Convention but this was defeated by the combined opposition of the Cape and the Transvaal. Six resolutions were passed mapping out the procedure to be followed in achieving Union and the remainder of the time was spent in trying to reach agreement on customs and railway policies.¹⁶ This was not attained and the Conference adjourned to meet again in Cape Town on the 26th of May where the Pretoria resolutions were confirmed and the Customs Convention extended to the 30th of June, 1909, subject to minor modifications.¹⁷ It was agreed that the National Convention should meet in Durban. The resolutions regarding Union were vigorously attacked in Natal¹⁸ and by the Progressive press in

the Cape, mainly on the grounds that proportional representation would be contrary to the interests of the smaller states and that it would benefit the Dutch section of the population at the cost of the interests of the English. The South African Party press defended them however, pointing out that even as it was the Cape was under-represented if population were taken into account.¹⁹

In the interval between the two sessions of the Conference Merriman had seen Steyn and urged him very strongly to accept a seat on the Convention. He did this not only because he felt that Steyn's presence would make sure of the loyalty of the Orange River Colony, but also because it would offset the opposition to unification which was sure to be present in the Cape delegation due to the influence of Hofmeyr. Steyn was reluctant to join at first, but after being thoroughly assured by both Merriman and General Botha that they would fight for the equality of both races and languages, he consented.²⁰

Merriman was now faced with the problem of choosing the delegates to the National Convention. This he did with generous statesmanship, for of a delegation of twelve members he chose five from the Opposition.²¹ Hofmeyr refused a seat on the grounds of ill-health,²² but he also felt that the Convention would be a failure and wished to remain a free agent so that he could continue to attack unification from outside the Convention.²³ He had endeavoured to persuade Merriman to alter the representation of the Cape but with no success.²⁴ There can be no doubt that his main reason for this was that he feared that the other colonies would swamp the Cape delegation as far as the native franchise was concerned and in this respect his fears were quite justified.

Merriman however thought to ensure protection of the non-European franchise by including Schreiner, their new champion. He had been urged to do this by Dr. Smartt,²⁵ and Schreiner, having first offered to stand back in favour of Hofmeyr, had accepted gladly when informed of the latter's refusal.²⁶ On the 22nd of June Merriman announced the names of the delegation

and introduced the motion to confirm the resolutions of the Customs Conference. He was supported by Sauer, Malan, de Waal, Smartt and others and the motion was carried unanimously on the 24th.²⁷ His choice of delegates met with approval throughout the whole Colony and the inclusion of so large a number of the Opposition members, although slightly surprising the South African Party press,²⁸ was a major factor in ensuring the loyal support of the Cape Progressives during the Convention. In September, unfortunately, came the shock of Schreiner's resignation from the delegation in order to defend Dini-zulu. This was due to the long-drawn-out preliminary examination of the accused which had completely upset Schreiner's arrangements. He felt however, committed on principle to carry on the defence which he had undertaken, and unfortunately his tactless way of announcing it in Parliament without informing Merriman beforehand earned him a reproach from the latter for lack of courtesy.²⁹ He wrote in answer a rather clumsy note of apology and assured the Prime Minister that he had not been consulting the Opposition, but that the Natal Government would not postpone the trial.³⁰

While all this negotiatory and Parliamentary work was being carried out, the population of the Cape Colony and indeed of the whole of South Africa was being thoroughly indoctrinated with the idea of the necessity for Closer Union, whether federative or unified in principle. The question had been brought to the notice of the Colonists during the recent elections but the excitement and tension of these had prevented attention being focussed on Union as a subject in itself. It was only towards the middle of the year that public, as opposed to Parliamentary, interest really became thoroughly aroused and one of the first symptoms of this was the formation of a Closer Union Society in Cape Town under the presidency of Schreiner. This society was made up of individuals representative of all parties and was organised on a non-party basis. Its objects were to encourage the formation of similar societies throughout Cape Colony and South Africa and to disseminate information on all aspects and systems of closer Union.³¹

There followed during the next few months a good crop of Closer Union Societies throughout the Colony. As the societies were formed so there came a veritable spate of speeches and talks on all aspects of Closer Union. Anyone who had the slightest pretension to knowledge of some branch of the subject, whether it was the history of the Swiss Confederation or the benefits which Union would bring to Cape Commerce felt capable of making a speech and usually did.

The press took up the cause with a will and newspapers in all parts of the Colony tried to mold public opinion to the viewsheld by them or by their principals. In Cape Town the "South African News" and the "Cape Times" championed Unification while the "Argus" and "Ons Land" called for federation. The periodical "The Cape" took the former view. In Port Elizabeth the "Herald" agreed with this while in Grahamstown the "Journal" went so far as to attack Lord de Villiers as a choice for chairman of the Convention on the grounds that he had already spoken in favour of Unification. This paper also demanded the separation of the Eastern Province, and its own legislature with strong domestic powers.³²

Meanwhile behind the scenes the leading figures continued to thrash out the main principles on which they hoped to reach agreement before the Convention commenced. On the 6th of August General Botha wrote to Merriman for his opinion on the principle of one vote, one value in representation for the Union. He expressed the belief that certain parties were prepared to go to any lengths for it in the Convention and feared the result it would have in Natal and the Cape Colony if allowed to be adopted.³³ Merriman in his reply said that he was opposed to the system and believed in a high franchise with no exclusion on racial grounds of anyone who could reach it. He believed that the balance of power should be in the hands of the landed interest and attributed the financial ruin of the Cape to government by the floating population of the towns. He expressed the view that Capitalist influence was behind the one vote, one value agitation, and that while the Cape and the Orange River Colony were safe, Natal was hopeless.³⁴

Late in August, 1908 Lord de Villiers arrived back from a visit to Canada where he had been representing South Africa at the Tercentenary Celebrations of the foundation of Quebec. What he had seen and heard there had convinced him of the evils of Federation and the need for Unification to solve the problems of South Africa.³⁵ A few days later he and Steyn received copies of Merriman's reply to General Smut's memorandum containing the latter's ideas on Union and asking for criticism.³⁶ Merriman's reply was a very full exposition of his own ideas³⁷ and Lord de Villiers threw his weight into the scale too in a long letter to General Smuts giving his views.³⁸ Rumours of this high-level discussion were beginning to leak out and in September General Smuts found it necessary to issue a public denial of what had been going on. In his statement he said that no Draft Constitution was being prepared by the Transvaal delegates, and that the other delegates had not been approached.³⁹ Four days later he and General Botha accompanied by the Transvaal Treasurer, Hull, were in Bloemfontein to confer with Fischer and the Ministry of the Orange River Colony: it was announced in the press that the conference was on railway matters.⁴⁰

It was now time for the Cape delegates to leave for Durban and on the 2nd of October leading Cape figures had a chance for final utterances on the subject of Union. This was at a dinner given for the delegates in Cape Town before they left, at which Schreiner took the chair. He pointed out that the fundamental problem was that of the Non-Europeans and warned the delegates that if the principle of right and freedom and justice to the people of the country, no matter what their colour, was not vindicated, the work of the Convention would be in vain. Hofmeyr said that he wanted the best system of Closer Union, which might be federation but would certainly not be unification. He hoped however that it might ultimately grow into a "most perfect form of Unification without any sudden violent jerks of the State machinery, and without any political smashes of any kind." Both Merriman and Smartt spoke against federation.

The former pointed to the examples of previous unsatisfactory systems in other countries and the latter calling for an amalgamation of the English and Dutch sections into one South African Nation.⁴¹ This speech by Smartt augured well for the work of the Cape delegation at the Convention and this was strengthened by a letter to Merriman from Sir Walter Hely-Hutchinson who met Col. Crewe at East London who had said that he would accept the principle of Unification with safeguards. The Governor added that he understood that strong efforts had been made to convert Jameson from the federationist position "not without hope of success."⁴²

The Convention assembled at Durban on the 12th of October and immediately decided to carry out its work in secrecy. Throughout the session Merriman was supported solidly by his delegation and the behaviour of Jameson and his Progressives was a pleasant surprise to him. When the question of the Non-European franchise came up for discussion he had to deal with Col. Stanford and Sauer who appealed for a franchise with no colour bar but they were overwhelmed by the weight of opposition against them.⁴³ Lord de Villiers had helped by his correspondence with Lord Selbourne to explain the attitude of the British Government⁴⁴ and eventually the Cape had to be satisfied with the compromise of a colour bar for the Union Parliament in return for the entrenchment of the Cape Native Franchise. Jameson was well pleased with the outcome and expressed his admiration and respect for Steyn and General Botha whom he considered "the two factors for a decent British settlement."⁴⁵ Hofmeyr had tried to influence the Convention in favour of equal rights and Federation not knowing that both questions had been settled almost unanimously. The adjournment of the Convention to Cape Town was almost directly due to considerations of the health of Lord de Villiers who was held in enormous respect by the whole Convention.

During the interval Sir Walter Hely-Hutchinson expressed the view that he would have preferred a three-quarters majority for the entrenched clauses, yet he considered that the arrangement was as reasonable as could be expected.⁴⁶ The delegates took advantage of the break to make speeches re-assuring the South

African public that all was going well at the Convention. Merriman had to correct a misinterpreted Reuter telegram which had made him appear despondent of success.⁴⁷ The Convention resumed its work in Cape Town in November and after a break for the Christmas season finally adjourned on the 4th of February. Its decisions were to be published on the 9th of that month.

Throughout this period the whole of South Africa had been without accurate information of the decisions of the Convention. Consequently rumours were numerous and the press continued to campaign strongly for objectives which it hoped to attain. In the Eastern Province the "Dispatch" and the "Journal" fought on for federation supported by the "Argus" in Cape Town, where they were opposed by the "Times" and the "South African News". Throughout the Colony men of both parties demanded equal rights, with the South African Party representatives slightly more vehement in favour of equality of both languages. As far as representation was concerned the Progressive organs plumped for one vote, one value, equal constituencies, and automatic redistribution. The "Cape Times" threw its heart into a campaign for proportional representation and for the submission of the Constitution to a referendum. Some papers attacked the secrecy of the Convention but on the whole it was felt that it was far better for the working of that body than the full glare of publicity would be. Hofmeyr continued to air his views and when the controversy over the choice of the capital arose drew criticism as having given the impression that the Cape was prepared to sacrifice Union for it. On this question the general opinion in the Colony was that Cape Town should be the Capital but it should not be made a vital issue. Altogether in all parts of the Colony men aired their views on all aspects of the Convention's work without having the slightest knowledge of what was really going on. The whole Colony, towards the end of the second session seemed to be keyed up to a high pitch of expectation as to what the publication of the Convention's report would reveal. Once that happened the floodgates of praise or criticism would be opened.

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|-----|--------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | N E W | p 40. | |
| | Walker | p 522. | |
| 2. | L O M | Ch. 14, Ch.15 p 241. | |
| 3. | L O H | p 611. | |
| 4. | L O J | p 260. | |
| 5. | Ibid | pp 261, 2. | |
| 6. | L O M | p 268. | |
| 7. | L O J | p 270. | |
| 8. | L O M | p 242. | Merriman to Goldwyn-Smith. |
| 9. | Ibid | p 262. | |
| 10. | Ibid | p 264. | |
| 11. | L D V | p 426. | Note: At that time he was Sir
Henry de Villiers. |
| 12. | L D V | p 427. | De Villiers to Merriman 30/ 3/08. |
| 13. | L O M | p 265. | |
| 14. | Ibid | p 266. | |
| 15. | Ibid | p 247. | |
| 16. | Ibid | p 267. | |
| 17. | C T | 30/5/08. | |
| 18. | S A N | 12/5/08. | |
| 19. | C T | 11/5/08. | |
| | S A N | 14/5/08. | |
| 20. | L O M | p 268 | |
| 21. | Walton | p 28 | The Delegates were: Lord de villiers,
Merriman, Sauer, Malan, Jameson,
Smartt, Walton, Beck, Jagger,
van Heerden, Schreiner, Maasdorp. |
| 22. | L O H | p 617 | |
| 23. | L D V | p 436 | |
| 24. | J X M | | General Smuts to Merriman 26/6/08. |
| 25. | J X M | | Smartt to Merriman 12/6/08. |
| 26. | W P S | p 276 | |
| 27. | C T | 23/6/08. | |
| 28. | S A N | 23/6/08. | |
| 29. | W P S | p 292 | |

30. J X M Schreiner to Merriman 4/9/08.
31. C T 6/6/08 In January 1909 the Society commenced to publish a monthly periodical called "The State" in order to give expression to its views.
32. S A N 1/10/08 Extracted from the "Journal".
33. J X M General Botha to Merriman 6/8/08
34. J X M Merriman to General Botha 17/8/08
35. L D V p 439
36. J X M Gen. Smuts to Merriman 29/8/08
37. L O M p 272 These ideas were as follows:-
1. He was in favour of Unification due to the need for economy of Administration. There should be one Central Legislature which would be supreme over Local Bodies and the Courts.
 2. For Local administration there should be Provincial Councils under executive officers. There would be either Presidents or Secretaries but there should be no Lt. Governors with Ministers. The powers of the Provincial Councils should be strictly defined and subject to the veto of the Central Government.
 3. For the Central Legislature Merriman would personally have preferred a single Chamber and a restricted referendum but realised that there would probably have to be a bi-cameral Parliament. He agreed with Gen. Smuts on the number of seats, feeling that the Cape could afford some sacrifice.
 4. He agreed to the division of the Cape Colony but not to the annexation of Griqualand to the Orange River Colony or of Bechuanaland to the Transvaal.
 5. The members for the Senate should be elected by the Provincial Councils and certain official elements should have ex officio states.

6. For the distribution of seats in the Assembly some rule of thumb method would have to be adopted. He thought automatic redistribution implied a failure to obtain a unified people.
7. Each Province should retain its own franchise. He disliked manhood suffrage but realised that others felt the same about the native vote.
8. In native affairs Parliament must be supreme and thought it unwise to lay down any hard and fast rule in the Constitution to control the actions of Parliament.
9. There should be one Supreme Court, one Appeal Court and no appeal to any Privy Council.
10. He was indifferent to the question of the Capital but thought it would be advisable to fix it in the Constitution to avoid dissention.

38. L D V p 439 His ideas were substantially in agreement with Merriman's but he disagreed with the division of the Cape Colony.
39. C T 26/9/08
40. Ibid 29/9/08
41. Ibid 3/10/08
42. J X M Sir Walter Hely-Hutchinson to Merriman
13/10/08
43. Walters Ch.V
44. L D V pp 446-449
45. L O J p 280 Jameson to Sam Jameson 6/11/08
46. J X M Sir Walter Hely-Hutchinson to Merriman
13/11/08
47. C T 22/12/08

CHAPTER 5

On the 9th of February 1909 the Draft Act of the Constitution was published for all to read, study and criticise. A few days before this the compromise over the choice of a capital had been announced and criticism in the press had already begun. In Cape Town the "South African News" accused the Transvaal delegates of having come to the Convention determined on getting the Capital and of not being frank enough to say so.¹ It now criticised the Draft Act on the grounds of under-representation of the Cape, referred to the colour bar in Parliament as a retrogressive step and called for stronger safeguards of the Non-European franchise. However it welcomed Proportional Representation and equal language rights but maintained that the Constitution should be submitted to the people for approval.² The "Times" also approved of Proportional Representation and one vote, one value, but disapproved of the colour bar and thought that the representation of the Cape might be improved.³ The main grievances of "Ons Land" were Proportional Representation, the underrepresentation of the Cape and the vagueness of the language equality clause.

In the Eastern Province the press was very favourably disposed towards the Draft Act. In East London the "Dispatch" welcomed the spirit of compromise and warned against attempts to amend the Draft Act, advising that it could be safely left in the hands of the men who had framed it.⁴ Later it criticised Schreiner as a "wrecker" of Union and said that South Africans would have no doubt as to which to choose.⁵ In Port Elizabeth the "Herald" also expressed satisfaction with the Draft Act⁶ and criticised Hofmeyr for not having joined in the Convention, rather than attempting now to alter its work.⁷ The Grahamstown "Journal" was not so receptive and accused the Witwatersrand of having engineered the whole Closer Union movement in order to obtain control of South Africa's finances, harbours and railways.⁸ "Imvo" the native newspaper in the Eastern Province, while thanking the Cape delegates for their work yet felt that the Cape had sacrificed its native

policy to the other colonies.⁹ In Kimberley the "Advertiser" expressed satisfaction with the Draft Act, but called for a referendum on it after it had been finally accepted by the Parliaments. Later it criticised the attempt to alter the electoral clauses because of the Bond's dissatisfaction with them and pointed out the danger of doing so in the face of Transvaal opposition.¹⁰ In Mafeking and Vryburg disappointment was expressed at the fact that Bechuanaland had not been annexed to the Transvaal.¹¹

Meanwhile throughout the Colony meetings were being held and addressed by members of Parliament and prominent speakers. The different aspects of the Draft Act were thoroughly discussed and resolutions adopted regarding it. In Cape Town the Chamber of Commerce expressed complete satisfaction,¹² while at a meeting addressed by Greer, Hewat and Long they were given a free hand to urge amendments.¹³ Kimberley approved of the Draft Act, at Mossel Bay Currey and Searle were given a mandate to urge its adoption as published.¹⁴ In the country districts the feeling was almost universally in favour of adoption of the Draft. In most places local members were given a free hand to urge amendments but were asked not to press them to the point of wrecking Union.¹⁵

Non-European opinion throughout the Colony was unanimous in opposing clauses 35 and 44. At meetings in Cape Town, Kimberley and the Territories resolutions were passed condemning them¹⁶ and at Kingwilliamstown in April a native conference was held to discuss the Draft Act. Tengo Jabavu, the Editor of "Imvo" was elected president and the conference passed twelve resolutions in which it confined itself to the particular clauses which affected the natives, approved of the principle of Union, called for the deletion of the offending clauses, thanked the main personalities who were defending their rights and decided to send a petition to the Cape Parliament calling for redress of their grievances.¹⁷

The time between the publication of the Draft Act and the opening of the Cape Parliament on March 30th was spent by members in explaining the Act to their constituents and airing their own

views on it. Merriman backed up by his Cabinet and the members of the Cape delegation did his best to get the Colony to accept the Act as a whole. Nevertheless even they had certain points with which they disagreed. Merriman himself was opposed to Proportional Representation and approved of the Bond's resolution against it in a speech at Cape Town in February.¹⁸ After that he left on a tour of the Eastern Province to promote full acceptance there.¹⁹ Sauer while on tour in the Northern districts declared his opposition to one vote, one value and De Waal expressed regret that Education had not been placed on a national basis.²¹ The most ardent 'whole-hoggers' were Jagger, who made a record number of speeches in and around Cape Town in favour of adoption of the Act as a whole,²² Ludwig Wiener, and Jameson who went as far as to speak against Federation in Grahamstown.²³ Malan also (when speaking in public) could find no cause to amend the Act.

As far as the ordinary members were concerned there was a feeling that, while not wishing to wreck Union, the Act could nevertheless be improved by amendment on certain major points. Chief amongst these was the under-representation of the Cape in the Union Parliament. On this issue Progressives joined with South African Party men to declare that the Cape had been unjustly treated. The most powerful opposition came from Hofmeyr's section of the Bond which also led the attack on the Capital compromise. In the latter it was joined by the Progressive members for Cape Town. A number of South African Party members representing the country constituencies, chief among them Sauer, Burton, J.A.C. Graaff and Fremantle attacked the one vote, one value principle as operating unfairly against the rural voter.²⁴ Most members accepted the clause relating to the Non-European franchise with good grace, but their chief opponent, W.P. Schreiner, received support in his condemnation of them from Cartwright and Long in Cape Town, as well as from T. Schreiner, D.P. Faure and J.M. Stephen.²⁵ Apart from these main points there were one or two complaints about the haste with which the Act was being handled and a call from Weeber and D.P. Faure for a referendum.²⁶ But as will now be shown

the most dangerous opposition came from Hofmeyr and his followers in the Bond supported by Schreiner and the opponents of racial discrimination in politics.

As soon as the Draft Act was published Hofmeyr was up in arms against it and on the 11th of February he was quoted in 'Ons Land' as being of the opinion that the Cape should have received better representation, that Union should be Federative and that the movement to get the Act passed without amendments was unjustifiable.²⁷ He expressed these views that night at a meeting of the Cape Town branch of the Bond when he was supported by van der Horst. This led on the 17th to the passage by the branch of a number of resolutions, the most important of which referred to the unfair representation of the Cape, recommended that the two-thirds majority in respect to the Cape native franchise should include a majority of the Cape members, protested against the introduction of the colour bar in Parliament, urged that the proviso in Section 39 should be general and obligatory to thinly populated districts and warned of the danger of introducing Proportional Representation with no experience thereof.²⁸ These resolutions were the work of Hofmeyr himself and their outcome was to show that he was still a force to be reckoned with in Cape Politics. The immediate result of the resolutions was the criticism was levelled at him from all sides except his own particular section and the friends of the Non-Europeans. A special meeting of the Stellenbosch branch of the Bond passed two resolutions, one accepting the Draft Act and the second regretting the resolutions of the Cape Town branch as being undesirable and possibly harmful.²⁹ 'Imvo' however complimented the Cape Town branch as coming forward and boldly and openly denouncing 'the new, wicked and bad principle (in regard to native political rights) which it is being tried to implant in the British system.'³⁰

The scene now shifted to the Bond Congress which opened at Dordrecht on the 4th of March 1909. Here the questions raised by the Cape Town branch were resolved to be discussed in committee of the whole Congress. Ministers who were members were allowed to be present and to speak but not to vote.

Furthermore the deliberations were held in camera. The result of these deliberations was that the Congress passed eleven resolutions on the subject of the Draft Act. The most important of these agreed with those of the Cape Town branch but the Congress left Bondsmen who were members of Parliament free to vote in Parliament as they wished, and expressed the sentiment that it did not want to have Union wrecked on any of the resolutions.³¹ This sentiment was confirmed by a statement by A.C.A. van Rooy, at Steynsburg on the 17th of March, who explained the action of the Bond Congress and said that it was felt that it was better to urge amendments³² than than to tamper with the Constitution after its final adoption. This resulted in a special meeting of the Cape Town branch at which van der Horst vigorously attacked the 'Cape Times' and the Capitalist press in general for its criticism of Hofmeyr and himself and reiterated the principal points of the resolutions passed in Cape Town. At this meeting Hofmeyr merely said that the Act should not be passed until certain defects had been removed but declared³³ himself in favour of it as a whole.

Hofmeyr in his opposition to the clauses relating to the political rights of the Non-Europeans had found an ally in Schreiner. Walker in his biography of the latter says that their common viewpoint³⁴ had effected a temporary reconciliation between the two but Jameson at the time referred, in a letter, to Schreiner as 'hating Hofmeyr but having to run with him against the rest of us.'³⁵ Be that as it may it was the combination of their forces which caused the battle in the Cape Parliament over the adoption of the Draft Act. Schreiner expressed his views early in February when he stated that he considered that the natives had not been fairly treated nor had their franchise been adequately safeguarded. Furthermore the government of the Union was too top-heavy and would lead to degeneration of the Provincial Councils. He was also of the opinion that it was not enough to pass the Draft Act through the various Parliaments but that there should be either a special election on the issue or it should be submitted to a referendum.³⁶ He had realised that the only way to safeguard the liberal native policy of the Cape was to form Union on a base more federative than unified. These views he expressed at Queenstown where he was supported by C. Searle

and Brown, and later at Cape Town with Cartwright and Upington on
³⁷
 the same platform. ³⁸ He received but meagre support from Col.
 Stanford who disapproved of the relevant clauses but was prepared
³⁹
 nevertheless to accept the Constitution in spite of them.

Schreiner was assailed throughout the Colony by the European
 press who called him a 'wrecker', and said that he was allowing
 his sympathy for the natives to blind him to the greater object
 of Union. The natives were assured of the safety of their franchise
 and warned of the danger of agitation for more than the Draft Act
 granted in that it might stir up feeling against them. The folly
 of attempting to gain more from the other colonies was pointed out
 and they were told that Schreiner's efforts would do more harm than
 good. Burton after his tour of the Territories stated in July that
 the feeling amongst the natives had been grossly exaggerated and
⁴⁰
 that there was little, if any, agitation on the point.

Nevertheless native and coloured opinion which could express
 itself was solidly behind Schreiner. Meetings in East London,
⁴¹
 Graaff Reinet, and the conference in the Transkei attacked the
 clauses and thanked and supported Schreiner. The seventh annual
 Congress of the African Political Organisation which met in Cape
 Town in April and was addressed by Schreiner, passed resolutions
 protesting and expressing disappointment at the relevant clauses,
 and praying that they be deleted from the Act. It was also agreed
 that the resolutions be forwarded to the Prime Ministers of the
 various Colonies, the High Commissioner, and the Secretary of
⁴²
 State for the Colonies.

Meanwhile behind the scenes the principals were giving
 expression in their private correspondence to their real feelings
 with regard to the Draft Act. Merriman in February wrote to Sir
 Somerset French telling of his misgivings about getting the Act
 accepted in Parliament and of his disappointment at the outcome
 of the Convention. ⁴³ Burton too felt 'that the cause of good,
⁴⁴
 sound, just policy and government has suffered.' Jameson was
 the only one who appeared satisfied and confident that there would
 be no trouble in getting the Act through, feeling sure that

Hofmeyr would give way in the end. ⁴⁵ As far as the latter was concerned both Steyn and General Smuts felt sorrow and disappointment ⁴⁶ at his actions while Sir Walter Hely-Hutchinson wondered ⁴⁷ whether the Bond would accept Hofmeyr's amendments.

To General Botha Merriman expressed the hope that it might be possible to avoid amendments in the Cape Parliament, and his doubt as to the importance of the Bond proposals. ⁴⁸ Both he and Jameson urged the General to put pressure on Moor to resist the opposition to the Act in Natal. ⁴⁹ General Botha in turn mentioned the apparent haste of the Progressives to push Union through and wondered what was behind it. ⁵⁰ He received a shock when Graaff showed him figures proving that Proportional Representation would mean a victory to the Progressives in the Cape. ⁵¹ These figures had been supplied by v.d. Horst and on examination by Generals Botha and Smuts proved to be misleading, their calculations showing that the South African Party would get thirty-one seats and the Progressives twenty, which caused vast relief. ⁵² Merriman in reply said that although he personally felt that Proportional Representation was a 'new-fangled device' yet he thought it would be dangerous to attack it in the Convention, and informed Graaff ⁵³ of his opinion. He also expressed his opposition to a referendum, and said that he had not considered the effects of Proportional Representation on parties, since he held that the most competent party would dominate the Union Parliament. It was now well into March and Merriman became perturbed at the possibility of a long delay in the final accomplishment of Union due to delays in Natal. At the same time he regarded with horror a suggestion by Lord Selborne that the Imperial Parliament should not be approached until February 1910 and that 'in the meantime His Majesty's Government should be asked to pass a short enabling Act to set up the Commission of Judges, provided for in the Draft, for the delimitation of constituencies.' ⁵⁴ He therefore arranged a meeting of the four Prime Ministers in Bloemfontein on the 24th of March where the matter was thrashed out and a definite timetable laid down for the final steps in the process of Unification. ⁵⁵

But now Merriman had to face the problem of getting the

Draft Act through the Cape Parliament. The session commenced on the 30th of March and opposition came almost immediately from Schreiner, who, when Merriman on the 31st moved that the House go into committee to study the Draft Act, objected and the next day delivered a speech expressing his views and calling the provisions in regard to the native and coloured population 'treacherous and dishonourable'. The House then went into a long debate on the motion to go into Committee and the fight was on.⁵⁶ There was a very thorough discussion and all members had a chance to air their views. The position however soon became clear. When Schreiner endeavoured to improve the clauses to which he was opposed he could rely on only a limited number of supporters. Thus when he moved an amendment to permit Non-Europeans to enter the Senate it was defeated by 75 votes to 20,⁵¹ and his attempt to abolish the two-thirds majority and to lay down the Cape native franchise as a fundamental principle of the constitution was defeat by 79 to 16.⁵⁸ Vosloo's amendment on the other hand which sought to ensure that the two-thirds majority should include a majority of the Cape members, had the support of the Hofmeyr section of the Bond and was only beaten by 53 votes to 47.⁵⁹ In this case Merriman needed the support of Jameson⁶⁰ and the Progressives, and Malan and his section of the Bond to defeat the amendment. An amendment by Schreiner to Vosloo's amendment was beaten by 84 votes to 14.⁶¹

Amendments which obviously affected the future of the South African Party met with an entirely different welcome. An amendment by J.C. Molteno to Clause 39 making single-member constituencies obligatory in sparsely populated areas and calling for definition of such was adopted without a division, Blaine's amendment to Clause 40 removing the departure from the electoral quota from the discretion of the Electoral Commission was adopted by 73 votes to 23 and a further amendment introducing a sliding scale, by 73 votes to 26.⁶² On the 15th of April Schreiner presented the petition from the Kingwilliamstown Native Conference but in spite of the gesture the House passed the Draft Act that afternoon after having accepted an amendment slightly altering the constitution and life of the Provincial Councils.⁶³ The Act then went to

the Legislative Council where after having adopted the amendments made by the Assembly, and also two moved by the President in regard to constitutional and judicial matters and one by J.A.C. Graaff calling for clarification of the language equality clause, it was finally passed.⁶⁴

So Schreiner and his supporters had lost the battle while Hofmeyr and the Bond had achieved at least some of their objectives. The interests of the rural section had been safeguarded, which had really been their basic object. But this victory still had to be confirmed by the final session of the Convention which assembled at Bloemfontein on the 3rd of May. The issue soon provided the most serious crisis of the Convention for the Transvaal was solidly against any attack on the one vote, one value system. Eventually a compromise was reached through Lord de Villiers putting forward a motion which he and Merriman had worked out together.⁶⁵ This was that there should be single member constituencies throughout the Union but that town and country should have equal treatment within the boundaries of the provinces to the best of the Distribution Commission's ability.⁶⁶ Thus Blaine's amendment fell away. This saved the day and Merriman was delighted, not only with what had been achieved but also with the behaviour of the Cape delegates.⁶⁷ During the struggle against one vote, one value he had privately expressed the view that Lord Selborne was behind all the trouble and that it was a case of South Africa versus the Rand.⁶⁸ However he was well satisfied with the outcome as he felt that only Sauer and Malan among his ministers had really been in favour of Union.⁶⁹ For this reason he had not kept his other ministers informed of events at Bloemfontein as he felt that Hofmeyr would have been notified of them and would have stirred up opposition among his delegates.⁷⁰ Jameson too was pleased with the result and had proposed as a final friendly gesture the re-naming of the Orange River Colony as the Orange Free State.⁷¹

The revised Constitution now had to be accepted by the Parliaments which met on the 1st of June for that purpose. An awkward situation had arisen due to a badly reported speech by Col. Seely in London which seemed to imply that the Imperial Government would amend the Constitution. Merriman had denied

this so indignantly as to give offence in Britain and to cause alarm and confusion both there and in South Africa. However assurances from both Merriman and Lord de Villiers satisfied all parties and harmony was restored.⁷² In Cape Town Hofmeyr was still critical of the Convention's final report and in May the local branch of the Bond under his leadership issued a statement of resolutions regretting certain aspects of the Constitution.⁷³ When Parliament re-opened Schreiner once more attacked, moving that the Act be approved subject to modifications of the franchise safeguards. In this he was seconded by Upington but Fremantle and Greer had deserted him. Fremantle was welcomed back into the fold by Sauer, but Greer refused the outstretched arms still disapproving of the temporary alliance between Merriman and Jameson in Parliament.⁷⁴ Schreiner's motion was rejected and on the 3rd of June the Assembly accepted the Draft Constitution by 96 votes to 2.⁷⁵ The two lonely opposers were Schreiner and Sir Gordon Sprigg who thus showed his disapproval of the reduction of the political rights of the Non-Europeans.⁷⁶ By the end of June the Constitution had been accepted by all the colonies, Natal's referendum having been an overwhelming success, and now it remained only to have the British Parliament give its formal approval.⁷⁷

The selection of the delegates from the Cape provided a final proof of Hofmeyr's strength as a political force. The resolutions for which he had been responsible in May had in Merriman's opinion definitely put Hofmeyr out of court and the Governor also advised against choosing him.⁷⁸ Nevertheless so much pressure was exerted on Merriman by the Dutch section of the population that he had to give way and ask Hofmeyr to join the delegation.⁷⁹ The latter at first refused but on consideration decided to join on certain conditions. On being assured of these he joined with pleasure.⁸⁰ The selection when announced met with a certain amount of criticism from Progressive quarters where it was felt that a certain party nature had been given to the delegation.⁸¹

Union was now close at hand but a final threat had still to be met in the shape of an appeal on behalf of the natives and coloureds, led by Schreiner, to the British Parliament. Schreiner

and some influential supporters in Cape Town had drawn up an appeal and this had been supplemented by petitions from the natives in the Territories and Basutoland and also by a delegation from the African Political Organisation. Schreiner was now to lead a deputation to England to try to influence the British Parliament to modify the Constitution.⁸⁴

Merriman was greatly perturbed about this and wrote to Sir Walter Hely-Hutchinson pointing out the dangers of Schreiner's appeal and giving a detailed defence of the compromise over the native franchise necessary for the accomplishment of Union, and urged him to use his influence on His Majesty's Government to give Schreiner no encouragement whatsoever.⁸⁵ The press throughout the Colony, with the exception of 'Imvo' heaped criticism on Schreiner as being a wrecker of the Constitution, a political agitator, and for seeking to cause Imperial interference into South African affairs.

The appeal however was a failure. The British Government accepted no amendments in principle, nor indeed would the delegation have done if it had, and the Act was passed with only minor modifications in form and became law in September.⁸⁶ While Sauer then went off to France, and other members of the Cape delegation dallied in England, Merriman had to hurry back to Cape Town to deal with matters there. As far as Union politics were concerned the stage was now set for the final question, that of who would be appointed the first Prime Minister of the first Government of the Union of South Africa.

1. S A N 10/2/09
2. Ibid 10/2/09
3. C T 10/2/09
4. S A N 11/2/09
Extract from the "Dispatch". "For ourselves, we may well set off equal voting values and automatic distribution against the language compromise and the election of the Senate for ten years by the existing Parliament majorities."
- S A N 11/3/09
Extract from the "Dispatch." "The man in the street has confidence in the men who framed the Constitution and is quite content to leave the settlement of the whole matter to them."
5. S A N 24/3/09
Extract from the "Dispatch."
6. S A N 11/2/09
Extract from the "Herald."
7. S A N 25/2/09
Extract from the "Herald."
8. S A N 20/2/09
Extract from the "Journal." "Federation should come but it should not be Fusion."
- Ibid 22/2/09
Extract from the "Journal." "The whole mystery of the agitation for unification now comes out with tolerable clearness. The movement has been engineered by Witwatersrand, in order to obtain control of South Africa's finance, harbours and railways."
9. Imvo Feb. 1909
10. S A N 3/3/09
Extracts from the "Diamond Fields Advertiser."
Ibid 17/4/09
Ibid 21/4/09
11. Ibid 11/2/09
12. C T 9/3/09
13. Ibid 25/3/09
14. S A N 17/3/09
C T 23/3/09

15. C T March 1909.
S A N March 1909.
16. C T 6.3.09. Coloured meeting in City Hall, addressed by
Dr. Abdurahman, the Mayor, the Rev. R. Balmforth
and Mr. Alexander M.L.A.
S A N 8.3.09. Meeting of Firgo electors at Nqunamakwe addressed
by Mr. Levy M.L.A.
C T 8.3.09. Meeting of Natives, Indians, Malays and Coloureds
at Kimberley.
S A N 13.3.09. Col. Levey held large meetings at Gofimvibu,
Southeyville and Askerton.
C T 20.3.09. Coloured meeting at Claremont addressed by
Cartwright, Withinshaw, Maurice and Abdurahman.
P.M.O. 46.09. Meetings at Cradock and Piquetberg. At all
the above meetings opposition was shown to
the clauses dealing with the native franchise
and the colour bar i.e. Clauses 35 and 44, and
at most resolutions were passed calling for
their deletion of or alteration.
17. Imvo. April 1909.
S A N 12.4.09.
18. C T 23.2.09.
19. S A N 18.2.09. Ministers on tour. Merriman to go to King-
williamstown, Sauer to Kimberley and Aliwal
North, Malan was already on tour in the South
Western districts.
20. S A N 10.3.09.
21. Ibid 12.2.09.
22. C T Feb., March 1909.
S A N Feb., March 1909.
23. C T 16.2.09.
24. Ibid 27.2.09.
S A N 22.3.09.
C T 29.4.09.
Ibid 30.4.09.
Ibid 11.2.09.
Ibid 26.3.09.
Ibid 22.2.09.
S A N 15.2.09.
Ibid 11.2.09.

26. Ibid 15.2.09.
Ibid 2.3.09
27. S A N 12.2.09
28. C T 17.2.09
29. S A N 22.2.09
30. Imvo March 1909.
31. C T 9.3.09.
32. S A N 18.3.09.
33. C T 19.3.09.
34. W.P.S. p.315.
35. L O J p.284.
36. W.P.S. p.314.
37. C T 25.3.09.
38. Ibid 27.3.09.
39. S A N 5.3.09.
40. Ibid 18.7.09
41. Ibid 25.3.09
42. C T 17.4.09.
43. J X M 19.09. Merriman to Sir Somerset French.10.2.09. 'As far as can be judged the proposals will be accepted. Not indeed, without any misgivings for, except in mere finance, we in the Cape lose everything. It is a supreme misfortune that the ruinous extravagance of past years has brought us to this pitch.'
44. J X M 20.09. Burton to Merriman. 11.2.09.
45. L O J p.283. Jameson to S. Jameson. 13.2.09.
46. J X M 24.09. Gen. Smuts to Merriman. 19.2.09.
J X M 25.09. M.T. Steyn to Merriman 26.2.09.
47. J X M 26.09. Sir Walter Hely-Hutchinson to Merriman 6.3.09.
48. J X M 29.09. Merriman to Gen. Botha 10.3.09.
49. L O J p.284. Jameson to S. Jameson 15.3.09. 'Have just been up to Pretoria to get Botha to squeeze Moor, which he will try to do.'
50. J X M 39.09. Gen. Botha to Merriman 16.3.09.
51. J X M 44.09. Gen. Botha to Merriman 17.3.09. 'Yesterday however Graaff was here and put certain figures before me feeling very uncomfortable indeed. He pointed out to me that the proportional

voting in the Cape Colony would result in the Progressives getting 27 seats and your party only 24.'

52. J X M 70.09. Gen. Botha to Merriman 19.3.09.
53. L O M p.p.296,7.
54. Ibid p.297.
55. J X M March 1909. The points settled at Bloemfontein were:
1. Dates: 3.5.09. Convention to re-assemble at Bloemfontein.
31.5.09. Referendum in Natal.
1.6.09. Parliaments to re-assemble and give notice to vote address next day.
9.6.09. Delegations from each Colony to leave for England.
 2. At the sessions commencing on 30.3.09 no amendments, but only recommendations were to be made to the Draft Act.
56. V & P. 1909.
57. S A N 9.4.09.
58. C T 9.4.09.
59. S A N 12.4.09.
60. C T 3.4.09. Jameson in the Assembly had said on the 2.4.09 'I look upon myself as the lieutenant of the Prime Minister in this matter.'
61. C T 13.4.09.
62. V & P 1909.
63. C T 16.4.09.
64. S A N 17.4.09.
65. L O M p.303. Merriman to Mrs. Merriman 5.5.09.
66. L D V p.476.
67. J X M 172.09. Merriman to Mrs. Merriman: 'All our men are solid Jameson has behaved very well.'
68. J X M 174.09. Merriman to Mrs. Merriman 6.5.09.
69. J X M 172.09. Merriman to Mrs. Merriman 5.5.09. 'However one feels that not one of our colleagues except Sauer and Malan are really in favour of Union at all.'

- J X M 183.09. Merriman to Mrs. Merriman 'You must always discount Harry's (Currey) opinions as he has never been an Unionist nor Burton, nor de Waal, nor Graaff.'
70. J X M 184.09. Merriman to Mrs. Merriman 'My reason for not wiring before was that I knew contents would be sent to Hofmeyr who would affect and direct operations here.'
71. L O J p.285.
72. L O M p.305. Col. Seely, Under-Secretary for the Colonies.
L D V p.479.
J X M 259, 261, 263, 264.09. A series of telegrams clearing up the situation.
73. C T 19.5.09. Resolutions of the Cape Town branch of the Bond.
1. The meeting regrets that while the National Convention has, on the one hand, without pressure from a single Colonial Parliament,
 - (a) Opened the door wider for "outside interference with the internal concerns of South Africa".
 - (b) Increased the allowance of every member of the Union Parliament from £300 to £400 per annum, thereby weakening the argument in favour of Union based on economy. It has on the other hand, rejected the most important recommendations of our Parliament in regard to amendments of the Draft Act.
 2. The meeting, however, is glad that by abolishing the transferable vote in conjunction with the large electoral divisions, each returning three members, the Convention has removed weight objections as far as regards the country districts.
 3. The meeting hopes -
 - (a) That when the Draft Act is accepted this will be done by a resolution referring to

the minutes of the Convention and to speeches of the delegates in evidence of the wide construction placed by our Parliament on the language Clause 138.

- (b) That unforeseen alterations will not be made in the draft in England without the concurrence of our Parliaments.

74. V ± P 1909.

75. C T 3.6.09.

76. S A N 4.6.09.

77. W.P.S. p.322.

78. J X M 201.09. Merriman to Gen. Botha 20.5.09.

79. J X M 196.09. Sir Walter Hely-Hutchinson to Merriman 18.5.09.

80. J X M 215.09. Merriman to Gen. Botha 25.5.09. 'The selection of Hofmeyr as extra delegate is being strongly pressed on me by Dutch section our party. I do not like it for reasons given but perhaps it is lesser evil as it will pledge him to policy union and fusion.'

81. J X M 217.09. Merriman to Hofmeyr. 27.5.09.

82. L O H p.p.32,3. Hofmeyr to Merriman. May 1909:

'Dear Mr. Merriman, - Thinking over our conversation of Saturday, it appears to me, that we are in thorough agreement on the following points:-

1. That no amendments whatever shall be made in the Draft Act of Union, which involve alterations in principle or change in the intent or meaning of any clause or provision.
2. That should the Cape delegates to England not be unanimous regarding any proposed amendments, including even those of a merely formal character, the Act will be submitted to the Cape Parliament for approval.
3. That failing such approval, the Proclamation of Union shall not apply to the said Colony.

4. That these points will be clearly set forth in the resolutions agreeing to the Draft Act Government are about to move in our Parliament. If I interpret your views correctly as here given, I agree to accept an appointment to confer with the Sec. of State for the Colonies in reference to the passage of the Draft Act through the British Parliament.'

83. C T 3.6.09. Delegates: Jameson, Sauer, Lord de Villiers, Merriman and Hofmeyr. 'It is unquestionable that the selection of the delegates named by Mr. Merriman gives just a flavour of party which might well have been avoided.'

Ibid 16.6.09. Extract from the 'Despatch'. 'The excessive nominal strength of one political party is probably more accidental than intentional, but it is illustrative of the fact that the more the party of which the Bond organisation is typical receives the more it demands.'

84. W.P.S. p.322.

85. J X M 245.09. Merriman to Sir Walter Hely-Hutchinson.

86. L O M. p.310.

The question of the first premiership of the Union, although it came to a climax only shortly before the date of Union, i.e. 31st of May, 1910, nevertheless had its beginnings in the early days of 1909. This was when the work of the National Convention appeared likely to be successful, and men began to think of who would be the man to lead the first Union Government. In December 1908 the "Cape Times" had pointed out the danger of maintaining old party loyalties after Union, and on the 5th of January Merriman wrote to General Botha agreeing with him on the undesirability of a coalition government and discussing the possibility of an amalgamation of Het Volk, de Unie and the South African Party.¹

Jameson realised the Dutch section in South Africa would be in power at the beginning of Union but thought that there was a possibility of the first Government being a Coalition.² In Cape Town, however, the "South African News" disapproved of the idea, which had already been mooted by the press in the Eastern Province and began to suspect the Progressives' attempt to whitewash their record, but at the same time hoped that parties would not be formed on racial lines.³ The "Times" felt that Merriman was sure to be asked to form the Government,⁴ and Merriman himself was eager to prevent domination by the Transvaal, being assured by Burton that Fischer was with him in that respect and determined to eliminate Selbourne's influence in the matter.⁵

While the delegates were in England the speculation in South Africa grew and the "South African News" came out definitely against Coalition.⁶ In this it was strengthened by Gen. Botha's remarks in an interview with the "Manchester Guardian" in which he said that he preferred a strong Government with a strong Opposition.⁷ He repeated these sentiments in a talk with Hofmeyr, giving as his reason the fact that the Opposition wanted at least five out of ten seats in the Cabinet, and to have men like Merriman and Hull as representative of the South African Party. Hofmeyr gained the impression from this talk that General Botha was more willing to become Premier himself than to serve under anybody else.

It was Hofmeyr's own opinion that the most acceptable man to all parties would be Steyn, but that he would not be available due to ill-health. He thought, however, that "he (Steyn) and the Free Staters would support Merriman's claim if the latter could be sure of the entire support of the South African Party in the Cape Colony. The Natalians would have no objection to either Merriman or General Botha, provided they were adequately represented in the Cabinet themselves."⁸

Meanwhile the Transvaal delegates had won the tussle as to the date of Union. By delaying it until the 31st of May 1910 they were enabled to complete their financial year and arrange their budget with an eye to the future. Great disappointment was felt at this in the Cape⁹ and Merriman felt that it was another sign of the Transvaal's intention to dominate Union. A letter from Ludwig Wiener describing the atmosphere on the Rand served to strengthen this suspicion.¹⁰ The South African Party press in the Cape continued to regard the movement for Coalition as emanating from the Rand, this belief being aggravated by the report of a referendum held by the "Sunday Times" resulting in a majority for Coalition with Jameson heading the poll for Premier.¹¹ The Progressive organs feeling the growing opposition to Coalition began to talk of a strong Opposition under Jameson; and Drummond-Chaplin, acting leader of the Progressive Party on the Rand made a strong anti-Coalition speech early in August.¹²

In September 1909 Hofmeyr, realising how General Botha felt about Coalition, came out in public against it himself. At the same time he wrote to a friend in South Africa emphasizing the fact that in the event of a government being formed on party lines every Botha-, and every Merriman-man must support the ministry no matter which of the two became Prime Minister. If malcontests were to stand out the Ministry would not be able to accomplish anything worthwhile. It seemed that General Botha was the coming man and although he was a little too friendly with the Rand for the liking of the Bond nevertheless it would be better for him to depend on solid South African Party support than to have to fall back on the Rand interests due to

squabbles and divisions in the Cape.¹³

But now Jameson began to play a determined hand for Coalition. On September 30th he met General Botha at Balmoral, and there mooted his idea of a "Best-Men" Government. The reception which the latter gave to this encouraged Jameson and in November he hurried back to South Africa to help Merriman who was fighting the losing battle against the wine farmers at the time.¹⁴ Hofmeyr's death in the interval had removed a potent force from the political field. Soon after Jameson's return to the Cape he set off on a tour of South Africa to promote his scheme, with, however, inner doubts as to its success. But he still received encouragement from General Botha who had not apparently divulged his real opinions to him.¹⁵

Merriman still expected to be associated with General Botha¹⁶ although he was worried about the intrigue that was going on. He was perturbed too, about the absence of administrative machinery for Union and set about the task of remedying this.¹⁷ It was a relief for him therefore to receive a letter from General Botha late in December assuring him of his continued distaste for Coalition and mooting plans for an amalgamation of Het Volk, De Unie and the South African Party. He asked for Merriman's opinion of a programme which he had drawn up to express the principles of such an amalgamated party.¹⁸ Merriman received confirmation of his soundness on the last day of the year in a wire from Graaff assure him that the rumours about Coalition were groundless.¹⁹ Nevertheless Jameson's visit to the Transvaal and his talks there with General Botha started these rumours flying once more. The "Cape Times" did its utmost to promote the cause of a "Best Men" Government and while the "South African News" tried to kill the rumours as having no authority, it was extremely perturbed by a report from Johannesburg that failing Coalition General Botha would break with Het Volk and form a third party. One of the leading Transvaal Progressives, Sir George Farrar, in an interview admitted the possibility of such a third party springing up among the Progressives. Furthermore extended buying on the

the market by leading financiers and politicians added colour to this.²⁰

Merriman, however, reassured by General Botha's letter wrote back to him discussing his idea of an amalgamated party. By this he understood the drawing closer together of Het Volk, De Unie and the South African Party, pointing out the impossibility of destroying these organisations. He suggested the name "South African Party" for the new party, which would persuade the English section to join as they had in the Cape. It would be vital to have the Bond as the country districts would not come in without it, and it had been most reasonable in Parliament. Being a more experienced politician than General Botha he disapproved of the idea of a written programme. He felt that either it was too broad to be of any use or else it tied the party down too closely. The best plan in his opinion would be to wait for the Governor-General to call on someone to form a Government and then for that person to gather his friends, form a party and formulate a policy; a policy which would be presented to the electorate.²¹

A few days later F.S.Malan took it upon himself to declare in public that leading figures who expressed views on the future of political parties under Union did so wholly on their own responsibility, and merely aired their own opinions. He went on to say that it was impossible to say how the different provincial parties would arrange themselves²² Union. This in the light of future events was a significant speech. Malan at that time was nursing a grievance under the impression that his section of the Bond had been unfairly treated at the National Convention. He had aided and abetted the wine farmers in their fight against the Excise and was now beginning to turn against Merriman.

Jameson, unaware of General Botha's real attitude towards Coalition, was working hard for his "Best Men" Government. He interviewed Steyn in the Orange Free State and Moor in Natal and hurried back to Cape Town to see Merriman before General Botha arrived.²³ He saw Merriman and Sauer but the former

was determined to fight Coalition and before General Botha arrived made a speech at Carnarvon on January 22nd which shattered any prospect of the South African Party being a party to Coalition. This speech was a long one, defending the record of the South African Party, describing its character and its attitude and as far as Coalition was concerned he said; " I will say at once- I think I may go as far as that- that to my mind all this talk about a coalition seems to me not only foolish, but positively mischievous. To me it seems impossible." ²⁴ This spiked Jameson's guns, and on the eve of General Botha's visit to him in Cape Town he wrote, " I should say he will go with his own people" and he now turned his mind to the organisation of a good Opposition. ²⁵ Three days later General Botha, Fischer and Merriman met in Cape Town, the latter two being completely opposed to any idea of Coalition or a "Best Men" Government. ²⁶ In Johannesburg General Smuts spoke of the need for a strong Opposition, thus aligning himself with the anti-Coalition forces. ²⁷ Merriman's position and feelings at this time are revealed in a letter to Sir Somerset French. He stated that he had no great desire for office but if asked to form a Cabinet he would do so. If not he would stand aside rather than hold a subordinate position. He expressed grave misgivings as to the future of the country under a Transvaal administration, due to the lack of experienced Parliamentarians, and the tendency towards extravagance. His main concern was for the finances of the country and he emphasized the need for a stringent Audit Act. ²⁸ He was now extremely worried about the setting up of administrative machinery for Union and wrote to P.A. Moltens in London asking him to urge His Majesty's Government to send the new Governor-General, Sir Herbert Gladstone, out to South Africa as soon as possible. ²⁹

To follow up the assault made on Coalition at Carnarvon, Merriman now made another fighting speech at Worcester on the 5th of February. In it he made a violent attack on the Progressives, calling a Progressive " a man who has one eye on South Africa and the other eye cocked over the water on the Stock Exchange in London." He said that there was only room for one dominant party in South Africa and that would have to

be the South African Party. He also referred to the risk of chaos if there was delay in making arrangements for the administration of the Union.³⁰ For this speech he was assailed by Progressives throughout the country as stirring up racialism and confining himself to abuse of the Progressives.³¹ Even Sir Walter Hely-Hutchinson chided him gently for the insinuation that Coalition was a capitalist-inspired scheme.³² He received support, however, from General Smuts who wrote approvingly of his speech,³³ and in order to gain Steyn's aid he wrote to him giving him the full details of what had happened up to that date. He asked Steyn what was at the bottom of the Coalition movement, giving his opinion that it was the money power, and outlining his ideas on just why Coalition was impossible and dangerous.³⁴ He also wrote to Sir Somerset French in London agreeing that Hofmeyr was an "almost incomparable loss at this moment."³⁵

The next move was Jameson's, and realising that Coalition was dead, he now made a strong speech in Cape Town on the 11th of February. He described his talks with General Botha and said that although no definite agreement was reached they had been in sympathy with each other and perfectly candid. As a result of his tour he had found that the Progressives were prepared for Coalition, but that General Botha could not answer for his party. Jameson went on to say that Merriman by his speeches was keeping alive "the abominable racial question" and that the "Best Men" Government was the only policy which could avert the evils which would flow from Merriman's schemes. However as Merriman's policy was the only one which had been placed responsibly before the country by one of the four Prime Ministers, the Progressives must now prepare for the fight. The door, however, remained open for co-operation.³⁶

This speech Merriman replied to at Malmesbury on the 17th by ridiculing Jameson's case and saying that the latter relied on abuse of himself to bolster it up. He warned the South African public to beware of catch-phrases such as "Best Men" Government and once more hammered away at the danger of domination by the capital influence, saying "the real object behind it all..... is to put the money power dominant in South Africa."³⁷

Support now arrived from Fischer, Steyn and General Smuts, all of whom wrote to Merriman attacking Jameson, assuring the former of their dislike of Coalition and re-assuring him of General Botha's soundness and fellow-feeling with them.³⁸ In addition both General Hertzog and Fischer made public speeches to the same effect, so Merriman definitely had the whole of the Orange Free State with him.³⁹ In the Cape, however, Sauer and Malan had remained non-committal, calling only for caution, patience and co-operation between the two races.⁴⁰

In the next month, though, Sauer, together with De Waal, came out against Coalition. Speaking at Aliwal North on the 9th of March, he defended the South African Party against the charge of racialism and said that he thought that Coalition had never had a chance. Even if it had, the approach to it had been very bad, the Orange Free State leaders and Merriman having been ignored. He pointed out that there had been no wide public demand for Coalition and also warned against the danger of capitalistic domination.⁴¹ De Waal in his speech at Petrusville on the 11th also denied the charges of racialism which had been levelled at the South African Party. He described Jameson as a 'Lorelei' luring the South African public on with the promise of killing racialism, which in his opinion was already dying and was now only a bogey used by the Progressives.⁴²

Merriman now began to have doubts about General Botha's intentions. In a letter to his wife on the 15th March, he wrote "He is going to humbug us I'm quite sure." At the same time the rift in the Cape Cabinet lute began to appear, for when Merriman arrived back at Cape Town by ship from the East Coast, de Villiers Graaff, who was at the Docks about to embark, hurried on board his own ship without attempting to see his chief at all.⁴³ Merriman's suspicion of General Botha was strengthened by a statement by Sir Joseph Robinson in Johannesburg, who said, after an interview with Smuts, that he was confident that there would be no Coalition ministry. Furthermore, he said that he knew pretty well who would

be in the Union cabinet;⁴⁴ information which Merriman certainly did not have! A few days later on the 22nd of March General Botha made a speech at the Het Volk Congress which was strictly on party lines. He appealed for co-operation on the part of all sections of the people, warned Het Volk against destroying the good that had been done, but made absolutely no reference to the future government of the country.⁴⁵ This speech caused great disappointment throughout South Africa. People everywhere were waiting for General Botha to make his position clear, Merriman not the least of them.

Meanwhile at home Malan still remained unsympathetic. He had, it is true, admitted that Coalition would be useless, since the present parties were provincial and a Coalition government would only split up into the old divisions. Nevertheless, he did not come forward with any definite support of Merriman but merely counselled patience until a Prime Minister had been selected and then the formation of a party with a broad South African programme, which would attract the electors.⁴⁶ This coolness of Malan's was reflected in the attitude of the Bond in its Congress at Beaufort West. In his opening speech on the 31st of March the President, H.C. van Heerden M.L.A. called upon Bondsmen to make a success of Union by showing mutual trust of other colonies and parties and to avoid anything which might give rise to suspicion or mistrust.⁴⁷

There was now a small interlude of purely domestic politics in the election of the Cape Senators for the Union Parliament. There had been some lobbying by certain members for nomination but no violent issues had arisen, and the result was the election of six South African Party men and two Progressives.⁴⁸ Some disappointment was felt in the Eastern Province in that only one representative of its interests was among the successful candidates.⁴⁹

A few days later Merriman spoke at Victoria West, where he defended his administration to his constituents. He hit Coalition a final blow and spoke with some regret of Jameson's attack on himself.⁵⁰ However, he expressed his true feelings in a letter

to his wife on the 19th of April, in which he said that he wished the Progressives would get a new leader. He referred to Jameson as an 'exotic' and said it was no use having such a weak opposition. In his annoyance over the question of the premiership he compared the howling of the mob for General Botha, when advocated by Jameson in the City Hall, with the howling of another mob for Barabbas.⁵¹

The game was now obviously lost and Merriman realised it, although not without some misgivings as to the future benefit of the country. In a letter to Basil Williams on the 1st. of May, he wrote, "The prospect of a Transvaal Government is not cheering to an economist like myself....I am in rather an odd position - very like a man condemned to death, counting the days to the day of execution."⁵² That day was not long coming. The Governor-General, now Lord Gladstone, arrived on the 17th; on the 19th Sir Somerset French wrote saying that a cablegram had been received in London announcing the appointment of General Botha and asking Merriman to re-assure him that it was not true.⁵³ The cablegram had been premature but accurate. On the 19th Merriman had an audience with Lord Gladstone who "talked with a most engaging absence of knowledge and even of information".⁵⁴ Two days later Merriman received a note from General Botha informing him of the latter's appointment as Prime Minister and asking him to join the cabinet. He refused, giving as his main reason the opinion that he would do more good as an independent critic outside the cabinet.⁵⁵

When the news became known Merriman received numerous letters expressing disappointment and sympathy at, and in some cases understanding of his refusal. He, himself, felt the need to explain his action to Steyn who had urged him to take office. He pointed out that his position in the cabinet would be intolerable as he would disagree with the other members, be powerless to do good, and be drawn into courses of which he disapproved until the inevitable split came. Furthermore, although admiring General Botha as a man and a partisan leader, he had no respect for his political

knowledge. He referred to the 'tortuous intrigue and cowardly silence' over the Coalition question and expressed his dislike for the Transvaal administration; its steam-roller tactics and political dishonesty."⁵⁶ To his old friend in Canada, Professor Goldwyn-Smith, he wrote "Botha himself is a weak man ready to make promises."⁵⁷ In the Orange Free State General Hertzog agreed with his refusal, and admitted that it was impossible for him to take a subordinate position.⁵⁸ Merriman's refusal, however, did not prevent him from encouraging his loyal subordinates, Sauer and Burton, to take office under General Botha.⁵⁹

A few days after the announcement of the new cabinet the Progressive Party Conference opened in Bloemfontein. Here Jameson announced the formation of the Unionist Party of South Africa, with himself as leader. Its programme was wide but its main purpose was to be to oppose racialism and to support General Botha against the extremists in his own party.⁶⁰ By this means Jameson could attract voters and at the same time show the Union Prime Minister that he was willing to work with him if ever the need arose.

The shouting and the tumult over the Premiership now being over details began to come to hand of the intrigue that had been carried on against Merriman by two of his ministers, Malan and de Villiers Graaff. In his letter to Steyn, giving his reasons for refusing to join General Botha's cabinet, Merriman had also mentioned that he had been hurt to know that two of his colleagues had not been true to him and that threats had been held out that every effort would be made to keep him out of Parliament.⁶¹ A few days later he received a letter from a constituent who gave him some information of Malan's activities in trying to induce his supporters in Victoria West to desert him. The writer also described Malan's attitude in regard to the Cabinet, which was that if asked to serve under Merriman he wanted a say in the matter and at least a majority in the Bond. However Merriman was assured of the loyalty of Victoria West and advised that if he made a public

statement to stand by the party the seat would be safe.⁶²

Merriman had not been entirely unaware of what had been going on and said so in a letter to Rabie on the 31st. of May, when he wrote "I knew months ago that they were plotting and a friend told me that the plan was to turn me out of Parliament."⁶³ This friend was J.A.C.Graaff who now wrote to Merriman saying that he had been accused of accusing his brother D.P. de V. Graaff of conniving to keep Merriman out of the Premiership. He assured Merriman that he had done his best for him but that the powers that be were responsible, and concluded by saying that it would be wise to keep an eye on Victoria West.⁶⁴ Merriman replied assuring Graaff that he had not been responsible for divulging that Graaff had been his informer and pointing out that what had appeared in the periodical the 'Cape' showed that it was common knowledge.⁶⁵ What had happened in the 'Cape' was that the editor, G.D.Donovan, had been compelled to resign due to his refusal to withdraw certain articles which he had published criticising the actions of Graaff and Malan.⁶⁶ The cartoonist of the paper, D.C.Boonzaier was involved too since van der Horst the new editor had insisted on altering the caption of a cartoon of Merriman and his constituency thus giving it an anti-Merriman bias. Boonzaier, like Donovan, re-affirmed his loyalty to Merriman and thought that the stand the 'Cape' had taken during the agitation over the Premiership question had definitely influenced the public in the Colony in favour of Merriman.⁶⁷ Another up-heaval in the Cape Town press was the resignation of Philipson-Stowe, the editor of the South African News, because of the submission by the managing editor of articles hostile to Merriman. These had made his position as editor intolerable, and had accounted in the change of tone towards Merriman in that paper in recent weeks.⁶⁸ On the sixth of June Sauer wrote to Merriman from Pretoria to re-assure him of the safety of his Victoria West seat.⁶⁹ This turned out in the end to be the case. Although it was an extremely bitter blow for Merriman, having done so much towards the creation of Union to go out practically into the

political desert, nevertheless he was returned unopposed by Victoria West and entered the Union Parliament in November "as a 'humble musket-bearer' in the Ministerial ranks."⁷⁰

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NOTES TO CHAPTER VI -

1. J X M 1/09 Merriman to General Botha 5.1.09
2. L O J p.283 Jameson to S.Jameson 13.2.09
3. S A N 21.5.09
Ibid 18.6.09
4. C T 19.6.09 "It would no doubt be to Mr. Merriman that the Governor-General would naturally turn as his first Prime Minister, for administrative experience will be of the utmost importance in the early years of Union."
5. J X M 313/09 Burton to Merriman 30.6.09
6. S A N 13.7.09
7. C T 23.7.09
8. L O H p.636
9. S T A September 1909
10. J X M 472/09 Ludwig ~~Werner~~ to Merriman 30.7.09 "There is trouble brewing ahead, for the Transvaal means to boss the whole show, their whole talk and their actions all show that, unfortunately so."
11. S A N 30.8.09
12. C T 6.8.09
13. L O H pp.636,7
14. L O J p.289
15. L O J p.289 Jameson to S.Jameson 7.12.09. "It is a mixed problem, but I suppose it will end in the old two parties. If so we should have a very respectable opposition. Botha writes to me that he is anxious to go on the lines ~~we~~ talked over in Scotland. I shall see him shortly and then will know how much to believe."
16. L O M p.314
17. L O M p.313 Merriman to Sir Somerset French. "I am afraid the position is still more complicated by the amount of intrigue that is going on."

18. J X M 617/09 General Botha to Merriman 29.12.09
"You are aware of my opinion with regard to a Coalition Government."
19. J X M 620/09 Graaff to Merriman "Just received wire from Botha saying that rumours coalition groundless."
20. S A N 4.1.10 "The rumours of negotiations between General Botha and Jameson for the formation of a Coalition ministry are persistent."
21. J X M 1/10 Merriman to General Botha 5.1.10.
22. C T 11.1.10
23. L O J pp.289-90
24. C T 24.1.10
25. L O J p.290
26. Ibid p.291
27. S A N 29.1.10
28. L O M p.315
29. J X M 14/10 Merriman to Sir Somerset French 31.1.10
30. C T 7.2.10
31. C T 8.2.10 Published summaries of articles from the 'Star', the 'Times' of Natal and the Bloemfontein 'Post', all criticising Merriman's actions and declaring him to have shown himself unfit to be Prime Minister.
32. J X M 18/10 Sir Walter Hely-Hutchinson to Merriman
"I think you are quite mistaken about coalition being a Throgmorton Street idea."
33. J X M 19/10 General Smuts to Merriman 10.2.10.
34. J X M 23/10 Merriman to Steyn 12.2.10. "Of course such a project (Coalition) would at once split up our party and place us virtually under the control of the money power."

35. L O M p.316
36. C T 12.2.10
37. Ibid 18.2.10 "They say 'give us the Best Men'. Well we call ourselves the best men. There is only one way of finding out the best men. They are the men who are put into power for the time being."
38. J X M 34/10 Fischer to Merriman 18.2.10 "I have no reason to think that Botha has any idea of joining in a coalition...."
- J X M 38/10 Steyn to Merriman 22.2.10 "I am positive Botha never gave J. to understand that he personally is in favour of a coalition ministry. He knows too well that the moment he does that he strikes the death-knall of his party."
- J X M 37/10 General Smuts to Merriman 22.2.10 "I myself have never for a moment considered Coalition possible. Botha has always been opposed to Coalition and has repelled the repeated advances from the other side."
39. S A N 24.2.10 Speech by General Hertzog at Bethlehem on the 23rd.
- S A N 25.2.10 Report of Fischer's speech.
40. C T 16.2.10
- S A N 11.2.10
41. C T 10.3.10
42. S A N 12.3.10
43. J X M 55/10 Merriman to Mrs. Merriman 15.3.10 "I wonder what Graaff tells his colleagues. It was very odd and not over polite his bobbing off on board the steamer just as mine was coming in to anchor telling people he had nothing to see me about."
44. S A N 21.3.10 Report on interview with the 'Sunday Times'
45. C T 23.3.10
46. S A N 26.3.10

47. Ibid 1.4.10
48. C T 9.4.10 The Senators were elected on the 8th of April. They were, P.J. Weeber, Dr. A.G. Viljoen, Dr. J.H. M. Beck, Mr. C. Searle, H.J.H. Claassens, J.A.C. Graaff, all South African Party men, and A.J. Fuller and E. Powell, the two Progressives.
49. J X M 90/10 P.W. Michau to Merriman 2.5.10.
S A N 20.4.10 Extract from the Grahamstown 'Journal'
"We think it will be admitted that the Eastern peoples have been very unfairly treated, in fact, they are suffering the usual treatment of being flouted and ignored."
50. C T 16.4.10
51. J X M 81/10 Merriman to Mrs. Merriman 19.4.10 "I get angry when I think of old Jagger in the chair and those 4000 fools howling themselves hoarse when Jameson advocated Botha. Well another crowd preferred Barabbas which was a good deal worse."
52. L O M p.323 Merriman to Basil Williams 1.5.10.
53. J X M 103/10 Sir Somerset French to Merriman 19.5.10
54. L O M p.317
55. J X M 111a/10 General Botha to Merriman 21.5.10 and his
111b/10 reply.
56. J X M 113/10 Merriman to Steyn 22.5.10
57. J X M 217/10 Merriman to Goldwyn-Smith 5.6.10
58. J X M 198/10 General Hertzog to Merriman 1.6.10
59. L O M p.318
60. C T 24.5.10
61. J X M 113/10 Merriman to Steyn 22.5.10.
62. J X M 177/10 J.D. de Ville to Merriman 30.5.10 "Mr. Claassen asked me to go to your friend Mr. Malan the previous night (the night before the announcement of the appointment of General Botha as Prime Minister) and he

gave the show away. Mr. Malan made no secret of it that he is against you. He pointed out that if you refused to join Botha what is Victoria West going to do."

63. J X M 195A/10 Merriman to P.R.Rabie 31.5.10.
64. J X M 209/10 J.A.C.Graaff to Merriman 3.6.10.
65. J X M 219/10 Merriman to Graaff 5.6.10. "Some weeks ago you were good enough to tell me the whole scheme of which the crowning stroke was the attack on my seat in Parliament. You mentioned no names but from the tenour of your conversation, I could form no other conclusion that that your brother and Malan were the chief instigators. At that time I said nothing. Since then as events developed and after certain threats were held out to induce me to join General Botha I certainly did say that such a plot was known to me and that you could give information on the subject. I also mentioned your brother's name and Malan's but I do not think that I connected you with that information. That it is town talk is clear from what has appeared in the 'Cape'. Which certainly did not emanate from me."
66. J X M 213/10 G.D.Donovan to Merriman 4.6.10
67. J X M 106/10 D.C. Boonzajer to Merriman 20.5.10
- J X M 266/10 D.C. Boonzajer to Merriman 17.6.10
68. J X M 188/10 Philipson-Stowe to Merriman 31.5.10. He enclosed a copy of his letter of resignation to the Board of Directors.

69. J X M 223/10

Sauer to Merriman 6.6.10. "With regards to your candidature for Victoria West you need fear no opposition from Malan now I think. He sees more than he did a little while back and has realised the hold you have on the country."

70. L O M p.337

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The period with which this thesis is concerned has, for the sake of convenience, been described in chapters, each of which dealt with some specific and important aspect of Cape Politics in that period. Nevertheless although this has been necessary and indeed essential in order to deal with these various aspects fully and logically, it is also essential to view the period as a whole in order to obtain a truly historical conception of it as apart from a mere narrative description.

Possibly the most convenient starting point for this historical analysis is to consider what factors governed the actions and policies of the various parties in the Cape during those very important two and a half years.

To begin with the Opposition Party, the Progressives, it is clear that from the start they were handicapped by the lack of really effective leadership. Jameson left for England on the 15th of April 1908 and the leadership of the party devolved upon Dr. Smartt who, although a competent parliamentarian, was not the type of man who could inspire a party and mould it into a really efficient political machine. The poor party discipline and the conflicting interests of the large towns have already been mentioned, and it says much for what solidarity the party did possess that it was able to put up such a good fight over the Light Wine Licences Acts and attract enough Moderates and Ministerialists over to its side to reduce the majority of the Government to the low figures that it did.

Jameson returned to South Africa in time to lead the Progressive section of the Cape delegation at the National Convention, and from this time until the final acceptance of the Constitution by the Cape Parliament dates the temporary alliance between the Progressives and the Government. The most important men in the party had been in the delegation to the Convention and they returned determined to back up Merriman in his defence of it, and to help him in getting it accepted in the Cape. The Progressives had good reason to do this because the original Draft Act with its proportional representation and three-member constituencies meant

that the party would get a relative increase in power in the Cape Province after Union. When these were dropped in the revised Act it was nevertheless supported because it was felt that Union was the main objective and that delay in achieving it might be dangerous. Later, in 1910, when Union had become an accomplished fact, the Progressives fought hard for Jameson's "Best Men" Government scheme. This was the logical policy for them to follow. Their co-operative attitude during and immediately after the Convention had to a certain extent re-instated them in public opinion in the Cape, and by stressing the need for the "Convention Spirit" during the first difficult years of Union there was a chance that the South African public might be persuaded to let them share in the Government of the country during that time. This accounts for the violent attacks on Merriman when he made his stand for party government. As soon as he had done that the Progressives, with a show of reluctance, changed their tactics and saying that they had no choice in the matter, began to reform and co-ordinate their forces on a party line in order to build up as strong an opposition as possible in preparation for the first Union Parliament.

Of the Independents not much need be said. Their number was too small for them to be of any great effect in the Cape Parliament. The sole exception amongst them was Schreiner, and his work will be dealt with later. In the South African Party it is possible to distinguish between the Bond section and the Moderates, which to all intents and purposes means the English section of the party. This section comprised mainly of members representing constituencies either in the Eastern Province or of a mixed urban and rural nature. That is constituencies where an appeal to the electors based on the bad financial administration of the late Government, coupled with the assurance of sympathy with the landed interest, had been successful. It was this section that supported Merriman in his refusal to repeal the Excise; and opposed him in the fights over the Light Wine Acts. This was because their interests were not those of the Wine Farmers nor identical with those of the Bond. They were for the main part opposed to any relaxation in the restrictions on the supply of liquor to the natives. They were

in a nut-shell, Merriman-men, and were completely stunned at the turn of events in May 1910 when it became apparent that Merriman was not going to be in the first Union Government. ¹

In the last resort the only real, cohesive political force in the Colony was the Bond. Here there was no doubt as to policy, and no lack of energetic, vociferous leaders to co-ordinate and direct that policy. Comprising two-thirds of the Government members, and having three representatives in the Cabinet, the Bond was in a position to crack the whip whenever it felt so inclined. That it did not do so more often can be attributed to Merriman's gift of compromising when forced into a corner, the effect of the responsibility of office on Malan and the restraining influence of Hofmeyr. Nevertheless the strength of the Bond in the Cape Parliament is shown in the legislation of the period, and it was only when its policies clashed violently with Merriman's principles as a financier that he was prepared and determined to resist them.

From parties to personalities. Here again the scales were loaded in favour of the South African Party. The only figure on the Progressive side who could claim nation-wide respect was Jameson. He, with his long absences in England, was of little value as a party man during this period. This had been foreshadowed during the elections, when his personal letters showed that he was tired of Cape politics and was looking forward to a rest in 1909. Also in the elections themselves his clear insight into the situation showed him that he did not have much hope of success, and a party leader without confidence is not a source of inspiration to the men he leads. When he did return from England it was to support Merriman in the work of the Convention, and in this he was a valuable ally. He had originally been in favour of federation, but was quickly converted to unification when he realised the strength of the movement for it at the Convention and the fact that it appeared to be a practical possibility and not a distant ideal. His "Best Men" scheme for the Union Government was the natural line for a politician in his position to take. He was out; therefore he must try to get in. When the scheme failed he was quick to organise his forces in

Opposition while still attempting to conciliate General Botha. Although he paid lip-service to Rhodes' ideal of equal rights for all civilised men, it is to be doubted whether he had any real feeling for the native franchise as a thing in itself.

On the other side, the fact is that only in Merriman did the English section of the South African Party have a real leader. Burton and Currey, though loyal subordinates, were just that; but Merriman was one of the giants. No other man could have held the party together as a whole. He was acceptable in the highest degree to the English section of the party, and was the only Englishman who would have been accepted by the Bond as a leader. As it was, he had the greatest difficulty in restraining the Bond from pressing its demands too strongly on Parliament, in spite of the fact that he had been as lenient as possible to the landed interest in his financial administration, which was admittedly harsh. This it had to be, due to the situation in which the Colony was when he took office, and it says much for his strength of principle as a financier that he only reduced the Excise late in 1909. As far as the native policy was concerned, his pre-occupation with financial matters blinded him to the importance of a really satisfactory long-term solution of it. To him the urgency of the need for Union was due to the possibility of conflict between the colonies over material considerations, such as customs tariffs and railway policies. His view of the native franchise as a mere safety valve, led him to believe at the Convention that the compromise over it was worth while for the accomplishment of Union. Later he had doubts as to the wisdom of that decision, and began to glimpse the real nature and importance of the problem.

On the side of the Bond, the figures of Hofmeyr, Sauer and Malan stand out most prominently. Hofmeyr, a man in the true "volksleier" tradition, was at all times a potent force in Cape politics. Of broad outlook, his main interest nevertheless was that of ensuring that the Dutch section of the population did not suffer any disadvantages as compared with the English. This naturally meant that he was more concerned with the welfare of the country districts than of the large towns.

Hence his insistence on the clear definition of the language equality clause, and his opposition to proportional representation and the one vote, one value principle. But although he was such a strong party man, he did not allow policy to blind him to facts, as was shown by his attitude towards the Excise during the big demonstration in April 1909. With regard to the coloured and native franchise, he had real feeling for the former, and a strictly practical outlook on the latter. He regarded it as a means of retaining the goodwill of the natives, who outnumbered by so very much the European population of South Africa. ²

Of Sauer it can be said that he was a very valuable asset to the Ministry. Not only was he a good Administrator, as his work as Commissioner showed, but also he was a skilled debater and a shrewd politician. He had had long Parliamentary experience, and had played a big part in engineering the defeat of the Jameson ministry. Throughout Merriman's term of office he proved to be a loyal subordinate, and at the Convention he showed his genuine feeling for the non-Europeans when he spoke in favour of equal rights for all and opposed any form of differential franchise for black and white. ³ Although compelled to submit to the general will of the Convention, and in spite of the fact that he loyally defended the Constitution later in the Colony, he nevertheless had misgivings about the colour problem. These misgivings later grew into grave fears, as was revealed in a letter he wrote while in France after the work of the delegation in England was done, in which he wondered if Union had not come too soon, but admitted that the Cape would have to make the best of it. ⁴

With Malan the case is altogether different. Here was a man who had power, and knew it. It has been noted how he was approached by the Governor of the Cape on the question of the premiership in 1908, and had chosen to stand aside in favour of Merriman. He had done this because he knew that if the supremacy of the Bond was too blatant the Colony would not stand for it, and also because in all probability Merriman would have refused to serve in a subordinate capacity under him. But he also knew that Merriman could not very well form a

Cabinet without him, and once in that Cabinet, he was in a position to see that the wishes and needs of the Bond did not go unfulfilled. At the Convention he was a loyal delegate, but in the Cape Parliament he was the unceasing advocate of the agricultural element, and the wine farming element in particular. This sympathy for the wine farmers, and his promises of help, showed that he was confident of being able to compel Merriman to give way to the pressure exerted on him. Merriman himself had said of Malan "with all his faults the fellow must have a good heart,"⁵ an opinion which doubtless he changed in May 1910. For Malan by that time had realised the full extent of the power he had in the Bond. In the discussion of the Draft Act he had been able to counter-act the influence of Hofmeyr, he had been present at the Bond Congress at Dordrecht in March 1909, and had defended the Constitution during the Parliamentary session devoted to its discussion. Later in the year, however, he had championed the cause of the wine farmers, and had made it clear to Merriman that he expected something to be done to improve their lot. In the new year Malan, knowing that he had the good opinion of Botha, made a bid-together with Graaff- to keep Merriman out of the Union Government, and even out of Parliament itself. In the latter he was unsuccessful due to the loyalty of Merriman's Victoria West constituents, but it is possible that his intrigue influenced slightly the choice of General Botha as Prime Minister, by revealing that Merriman could not be sure of the individual support of even his own party in the Cape.

The two remaining figures in the Cape at that time were Lord de Villiers and Schreiner. The former, being chief Justice, could naturally take no part in domestic politics, but he could and did play an important role in the making of Union. It has been seen how he was in the full confidence of Merriman and General Smuts, and took part in the exchange of ideas which took place before the Convention met. During the working of that body, he was able as chairman, due to the fairly elastic rules of procedure, to speak, vote and in the event of an equality of votes, to have a casting vote. Thus he was able to make his influence felt, and he did this to such good effect

that " though the Convention could probably have finished the Draft Constitution at Durban, it adjourned to meet again later at Cape Town, very largely because its indispensable president showed signs of breaking down." ⁷ Probably his most important achievement during the Convention was that of ascertaining and elucidating the attitude of the Imperial Government on the native problem to the Convention. ⁸ As regards the latter, he himself had originally considered that it should be left for the Union Parliament to settle. Of the compromise as it was finally adopted, he expressed the conviction that it was necessary for Union, and that he believed that the position of the Non-Europeans would slowly improve throughout South Africa due to the influence of the Cape's liberal tradition.

This was just what Schreiner feared would not happen. The attitude he adopted towards the native problem, although it represented a change from what he had thought at an earlier stage, was nevertheless one of complete sincerity and utter conviction. The part he played in Cape politics apart from the native question was not important. He had refused Jameson's overtures during the elections, and during the life of the last Parliament criticised Merriman's financial arrangements, and opposed any measure which seemed likely to relax the restrictions on the supply of liquor to the natives. But these were as nought compared to his fight for the fundamental rights of the non-Europeans. Unable, much to his disappointment, to be present at the Convention, he did his utmost to rectify what he considered to be faults in the Constitution. He opposed unification because he realised that only under a federal form of Union could the Cape's liberal policy really be safe-guarded for all time. He recognised the danger of the entrenched clauses operating not as a guarantee of the safety of the political rights of the non-Europeans, but as a means for them to be reduced still further by the combined forces of prejudice and compromise.

This period was a happier time for the Cape in its relations with the other colonies than other more troublesome years had been. The common desire for Union had made the approach to inter-colonial problems easier, and although the notion of the

"Convention Spirit" was much exaggerated, nevertheless it did lead to a certain amount of give and take in the colonies dealings with each other. The solution of the Cape-Natal railway difficulty was welcomed in the Cape in spite of the indignation felt in both colonies at the Transvaal's agreement with Portuguese East Africa.⁹ The fellow feeling between the Cape and the Orange River Colony about Transvaal domination of Union has been mentioned, and in general it can be said that inter-colonial relations were fairly harmonious during the last two years of separate existence. The one insurmountable barrier was the question of the native franchise. The other colonies were adamant in their refusal to consider the extension of this, and also the admission of non-Europeans to the Union Parliament. There was no way out of the impasse but the compromise effected in the Constitution, and this was acceptable to the majority of the European population of the Cape Colony.

In the sphere of relations with the British Government, Merriman, in spite of his abhorrence of Downing Street interference, was able to work harmoniously with Sir Walter Hely-Hutchinson and the other servants of the Imperial Government in the Cape Colony. But he had a healthy distrust for Lord Selbourne, and he imagined that he discerned his influence behind any movement which seemed to favour the Progressive cause in South Africa.

But when all the aspects of Cape Politics in this pre-Union period have been considered, the feature that stands out clearly as being of the greatest historical significance both for the Cape and for South Africa, is that of the integration of the Colony's identity into the wider one of Union, and the re-orientation of its native policy in order to satisfy the demands of its neighbours. The latter was the outcome of several factors operating in the Colony itself. Important amongst these was the poor financial status of the Colony, which made it imperative for it to enter Union, and at the same time reduced its effective bargaining power at the Convention. Union was definitely essential for South Africa when looked at from the commercial and material point of view; that no one doubted in

the slightest. Too often had conflicting interests led to inter-colonial quarrels and the threat of civil war.

But the chief factor which led to the retrogressive action of the Convention was the lack of appreciation in the Cape itself of the real significance of the native franchise. Public opinion was proud of the liberal tradition of the Cape and pointed to the success of its native administration as proof of its effectiveness but was nevertheless deluded into thinking of the native franchise as a mere safety-valve serving to keep the non-European population contented with their lot. The folly of this interpretation, held as it was by practically all the leading men in the Cape, led to the compromise at the Convention and the widely expressed conviction that the safeguards contained in the Constitution were strong enough to preserve the political rights of the non-Europeans for all time. The introduction of the colour bar into Parliament was only an extension of the actual feeling in the Cape. Although there was no colour bar in the Cape Parliament, no non-European had ever been a member and to this Cape Colonists pointed with pride, as an example of the success of the 'safety valve' principle of the franchise. Most members would have been horrified if a non-European had attempted to enter Parliament and would have brought up the same arguments as were later brought up against Schreiner during his appeal to the British Parliament. Furthermore, in the Colony itself the native franchise was not looked upon favourably by the whole European population. Maasdorp's speech at the Convention showed that the farmers were definitely opposed to it¹⁰ and there is no doubt that in the Eastern Province the prospect of a general native franchise was one which would never have been entertained for a moment.

Nevertheless the leaders and the makers of policy throughout South Africa did realise vaguely the real significance of the native problem, and, at the same time, the fact that they were well ahead of the South African public in their thinking. General Smuts in 1906 had realised the magnitude of the native problem¹¹

and even Merriman himself, when speaking of the draft Constitution had referred to the Cape as losing everything except in mere finance.¹² At the same time they felt that the accomplishment of Union made up for these misgivings and carried it out with the pious hope that all would go well in the future. Only Schreiner was prepared to stand up and tell the world that Union was not worth-while without a just and lasting solution of the problem. Supported by a band of liberal-minded fellow-thinkers and the almost universal approbation of the non-Europeans, he made the attempt which ended in failure. "Easy is the descent to Avernus" he had cried, he might well have completed the quotation, "but to return is hard and arduous". It is easy to be wise after the event, but Schreiner himself had realised the possible solution to the problem. A federal union ensuring the efficient working of South Africa as an economic whole, but with a constitution which protected State rights and allowed the individual provinces to work out their destinies for themselves would have allowed the Cape to retain and develop its policies along the lines of gradual and logical development until a harmonious and well integrated mixed society could have been achieved. The whole story reveals the folly of sacrificing moral principles for material benefits. The problem remains to-day and will be intensified in the future, for history is not static, man must progress or retrogress and it is upon the satisfactory solution of this great problem that the future of South Africa as a nation and a part of world civilization depends.

NOTES TO CHAPTER VII -

1. J X M 170/10 R.H.Lundie to Merriman 28.5.10. "It is the universal feeling among our party here (Uitenhage) that at the moment they are stunned with the direction that matters political are taking; and feel the want of your guiding hand in the circumstances in which they find themselves. We will have no leader but you and we want you to give us some indication of your attitude towards the Union Government so that we may support and follow you."
2. L O H p.629 Hofmeyr to the Coloured Peoples' Vigilance Committee.
3. Walton p.126
4. J X M 535/09 Sauer to Merriman 21.8.09. "I am much relieved that our Bill is through the House of Commons though I sympathise strongly with those who made their voice heard against the preclusion of a man of colour from the Union Parliament. It is a painful experience to feel that the bigotry of Natal and the ignorance of others have dragged us in to this degradation, and laid up possible, probable trouble for the future of our country."
5. J X M 55/10 Merriman to Mrs.Merriman 15.3.10.
6. J X M 571/09 F.S. Malan to Merriman 25.9.09.
7. L D V p.444
8. Ibid pp 446,448
pp 462,463
9. v.d.Poel p.143
10. Walton pp 140,141

11. L O M p.232 General Smuts to Merriman, March 1906.
"When I consider the political future of the natives in South Africa I must say that I look into shadows and darkness, and then I feel inclined to shift the intolerable burden of solving that sphinx problem to the ampler shoulders and stronger brains of the future."
12. J X M 19/09 Merriman to Sir Somerset French 10.2.09

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B I B L I O G R A P H Y

PRIMARY SOURCES:

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- Newspapers : The Cape Times (C T)
The South African News (S A N)
Invo
- Periodicals : The State (S T A)
The Cape
- Offical Publications : Votes and Proceedings of the Cape (V & P)
Parliament
Appendices to the above
The Statistical Register of the Colony
of the Cape of Good Hope (S R)
The Union Year Book, Volume I
- Collections of Documents : Merriman Papers (J X M)
Hofmeyr Papers
Prime Ministers Office.
- Published Documents : Eybers: Select Constitutional Documents
illustrating South African Documents.
Newton: Select Documents relating to
the Unification of South Africa.

Note: The above sources formed the basic research material for this thesis. The Hansard for the Cape Parliament in the period up to 1910 was based on reports published in the Cape Times, so that paper played the dual role of supplying information on public opinion on the Progressive side, and also details of speeches and debates in Parliament. Where any doubt arose as to the latter the official documents were consulted. From the documentary angle the Merriman papers were invaluable and supplied the major part of the very important information to be derived from private correspondence. For statistical information the

the Statistical Register was the main source, together with the Appendices to the Votes and Proceedings, which also supplied the reports of select committees on various important issues.

SECONDARY SOURCES:

- Biographies : J.H.Hofmeyr : Life of J.H. Hofmeyr (L O H)
 Sir P.Laurence: Life of J.X. Merriman (L O M)
 I. D. Colvin : Life of Jameson Vol.II (LOJ)
 E. Walker : Lord de Villiers and his times (L.D V)
 E. Walker : W.P.Schreiner. A South African (W P S)
 B. Cloete : Die Lewe van Senator F.S.Malan (F S M)

Other Secondary Works :

- The Cambridge History of the British Empire Volume VIII
 Walker : A History of South Africa (Walker)
 J.v.d.Poel : Railway and Customs Policies in South Africa (v.d.Poel)
 R. H. Brand : The Union of South Africa.
 E. H.Walton : The Inner History of the National Convention (Walton)
 R. Kilpin : The Old Cape House.
 Malherbe : Education in South Africa (Malherbe)

Note : Of the above the biographies were the most directly helpful in supplying copies of certain letters and details of personal movements which otherwise would not have been available. It is impossible to select any particular work as being most helpful, but it can be said that the most authoritative are those by Walker and Hofmeyr, while the worst offender as regards emotional colouring and lack of annotation is that dealing with the life of F.S. Malan by Cloete. The other secondary works played a useful part in supplying additional factual information, and helping to grasp the atmosphere and feeling of the period under review.

Note : The abbreviations used in annotation throughout the thesis are given in brackets behind the respective works.