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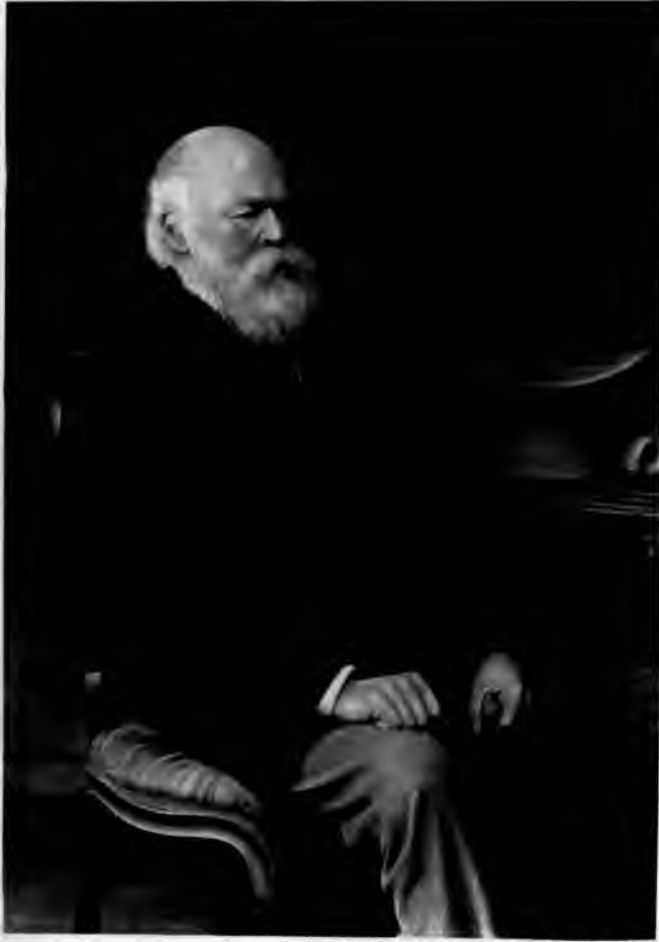
JOHN CHARLES MOLIENO



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SIR JOHN CHARLES MOLTENO
K.C.M.G.

VOL. II.



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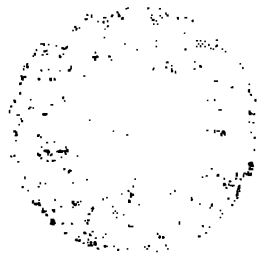
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THE LIFE AND TIMES OF SIR
FRANK BAILEY BAKER
K.C.M.G., First Premier of Cape Colony,
comprising a History of Representative
Institutions and Responsible Government
in the Cape and of Lord Carnarvon's
Confederation Policy & of Sir Bartle Frere's
High Commissionership of South Africa

by

FRANK BAILEY BAKER, M.A., TRINITY COLLEGE, CAMBRIDGE,
AUTHOR OF 'A FEDERAL SOUTH AFRICA'



VOL. II.

JOHN BAKER, SMITH, ELDER & CO., WATERLOO PLACE

1906

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VOL. II.

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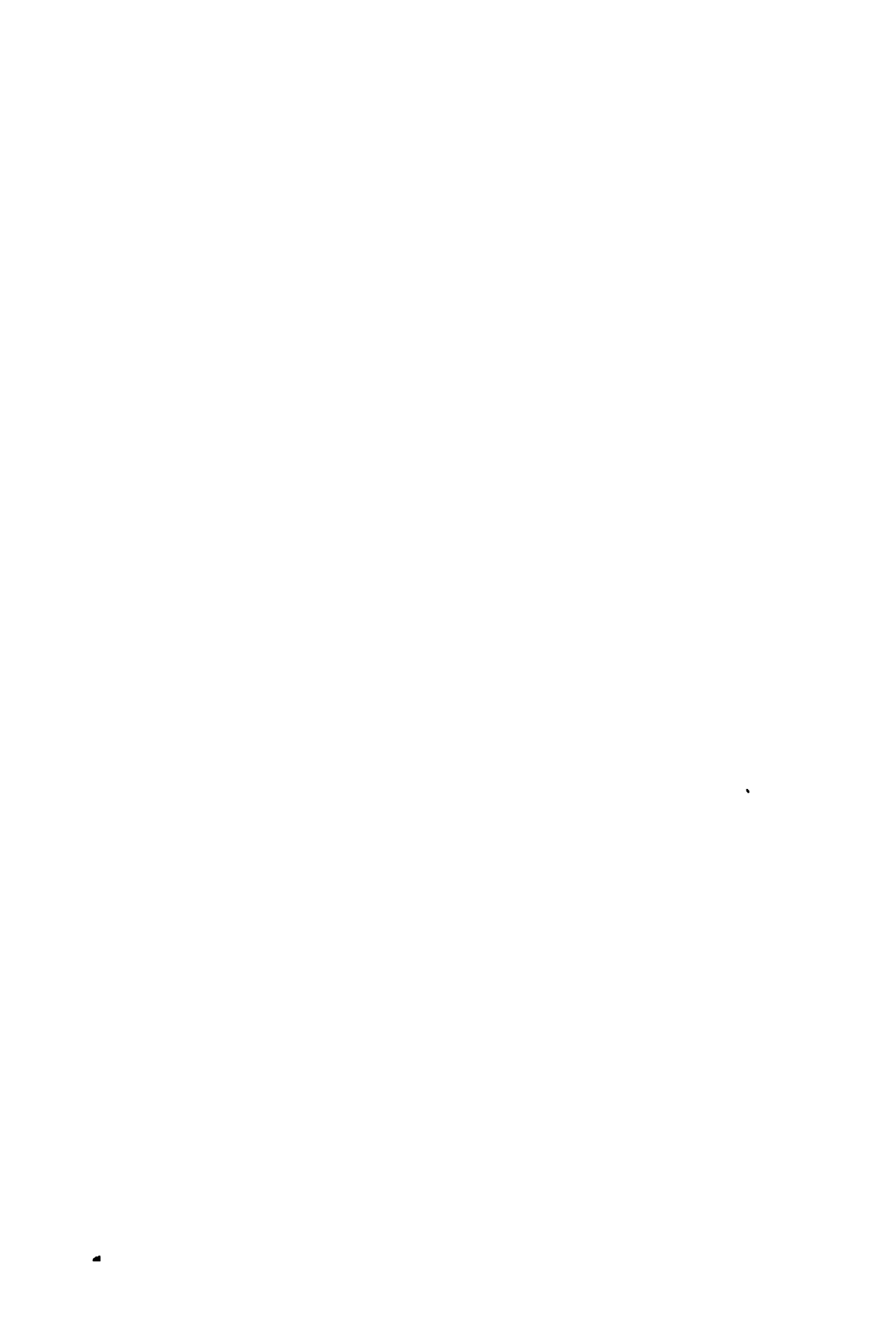
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LIFE AND TIMES

OF

SIR JOHN CHARLES MOLTENEO, K.C.M.G.

CHAPTER XVI

THE SPECIAL SESSION OF PARLIAMENT. 1875

Position of Parties—Decisive Action of Ministers—Censure on Mr. Froude—Mr. Molteno's Speech—Debate—Receipt of Lord Carnarvon's third Despatch—Mr. Solomon's Motion—Conciliatory Attitude of Constitutional Party—Mr. Solomon's Speech—House offers to assist Lord Carnarvon with Griqualand West—Ministerial Majority—Position of Question in England—Mr. Disraeli's Speech—The English Press—Lord Granville.

LET us now see what was the position of parties in the Legislature. Was Mr. Molteno to be ousted and replaced by Mr. Paterson, or would Parliament support Mr. Molteno, as it had supported him in the previous session, in his refusal to join for the Colony in any Conference? Mr. Froude had boasted in his Port Elizabeth speech that his appeal had been to the people, who had answered that appeal in his favour; he held petitions and resolutions from a majority of the constituencies, and, by virtue of this commission from the people, he had written to ask the Governor what he proposed doing on the reassembling of Parliament. He had even gone so far as to say that he would, through his Premier, Mr. Paterson, use his majority, in the first instance, to pass an Act of Indemnity for any acts of his own which were not constitutionally correct. The public

press of the Colony—could it be taken, as Lord Carnarvon took it, to really represent the feelings and wishes of the colonists—was largely in favour of his scheme of a Conference followed by confederation. The press was, however, merely the echo of the unreal and superficial support which an active clique, with money supplied from the Port Elizabeth Federation League, had galvanised into the appearance of a more solid and widespread feeling.

Mr. Froude had evidently reported to Lord Carnarvon his sanguine views as to the support he would receive in the Cape Parliament. Lord Carnarvon adopted them, coinciding as they did with his ardent wishes, and intimated to Sir Henry Barkly his conviction that the Ministry would be defeated, if not immediately, yet on an appeal to the constituencies, which he directed him to make; but the Governor, before Parliament met, had told Lord Carnarvon that the issue was at least doubtful, and that probably a resolution approving the Ministerial Minute would be carried by a very small majority; after the resolution of the Ministry had been published he reported that they expected a fair majority.

Mr. Molteno had refused to be dragged out of the proper constitutional routine in official action by Lord Carnarvon's and Mr. Froude's line of conduct. He refused to follow them in appealing to the people in the irregular and unconstitutional manner in which Lord Carnarvon by his despatches and Mr. Froude by his 'stumping' tour had done. He had further refused to allow Mr. Froude or any unauthorised person to be made privy to the Minutes and Memorandum of the 14th of September, which had remained unpublished. In silence he had to endure the misrepresentations, the assertions, the mis-statements, and the imputations of unworthy conduct hurled at him by his violent and bitter opponents; he had no means of meeting these mis-statements. Now, however, the time had come to give expres-

sion to his pent-up feelings, and to speak out before the proper constitutional tribunal, which was also the proper authority to have cognisance before all others of the despatches which had passed between the Ministry and the Secretary of State.

Not only was it desirable, but it was absolutely necessary, to speak out clearly and distinctly to vindicate responsible government, the principles of which had been so seriously infringed by Lord Carnarvon and Mr. Froude. The Governor's speech on the opening of Parliament did not give Mr. Molteno the requisite opportunity, as the former refused to say all the Premier wished him to do. Before the Ministerial Minute and Memorandum of the 14th of September were made known the issue had been doubtful, but Mr. Molteno had acted like the captains of old when at Trafalgar they reserved the fire of their double-shotted guns for the moment at which they broke the line, carrying irresistible destruction to the enemy. With a promptitude which took away the breath of his opponents, he laid these documents upon the table of the House immediately upon the assembling of Parliament, coupled with the resolution set out below. The Governor had thought that its boldness might stagger some of the Ministerial supporters. It had the contrary effect of strengthening any possible waverers. The issue was no longer doubtful.

The resolution was as follows :—

That in the opinion of this House the agitation which has been created and encouraged in this Colony by the Imperial Government, in opposition to the Colonial Government, on the subject of a Conference of representatives of the several Colonies and States in South Africa, as proposed by Lord Carnarvon, is unconstitutional, and such as to make the successful working of self-government in this Colony impossible ; and this House, having considered the despatch of the Right Hon. the Secretary of State for the Colonies, dated the 15th of July last, is still of opinion that the

interests of the Colony would not be promoted by pressing forward at the present time such a Conference as the Secretary of State proposes.

This notice had been considered and agreed to at a meeting of what was called the Constitutional Party, attended by Messrs. Sprigg, Solomon, and Fairbridge, and all the influential men of the party. When Mr. Molteno informed the Governor that he had given notice of a resolution which charged the Imperial Government with having encouraged unconstitutional agitation with a view of pressing its views on the Colonial Government, the Governor expressed his surprise. Mr. Molteno explained to him that, when he found that he had refused to say all that he wanted him to say in his opening speech, he deliberately decided on this course, and thought it better to say nothing to him until afterwards. The Governor said that, even if the charge of unconstitutional agitation could be established against Mr. Froude, it was unfair to assume that Lord Carnarvon was ready to sanction all that Mr. Froude had said and done.¹

¹ As the Governor informed Lord Carnarvon, the feeling against Mr. Froude was very decided, even among the old Dutch families around Cape Town, and it would kindle into flame if it were attempted to put down things with a high hand. Mr. Froude, himself, in his famous report, says, 'with respect to myself, an opinion began to prevail that my zeal had gone beyond my discretion.'—*I. P.*, C—1399, p. 80.

The character of the feeling now being called out was exemplified by the speech of Mr. Fairbridge, one of the members of Parliament for Cape Town, who was a most staunch Conservative. At the public meeting recently held in Cape Town to discuss Lord Carnarvon's policy he said:—

'Mr. Paterson has appealed to the question of blood. Well, we have English, and French, and Dutch blood among us, and out of that blood will be made up the future South Africa; and I will ask you all, of whatever blood you may be, are you going to give up your constitutional rights to please Lord Carnarvon or anyone else? I will ask the Englishman, whose nation has long been regarded as the home of constitutional liberty, Will you give up your rights? I will ask the Frenchman, who loves liberty, Will you give up your rights? I will ask the Dutchman, whose mother country resisted the efforts of Spain for eighty years, Will you give up your rights and bow down to the dictation of Lord Carnarvon? Should not an Englishman in the Cape show that he was as good and true as one who was out of it? Were there not English in Australia, and was the Englishman at the Cape of inferior blood?

The Governor informed him that he would hold himself free to disallow the proceedings of the Ministry in any way he might see fit. Mr. Molteno replied that they had foreseen this, and were fully determined to take all the consequences, whatever they might be.

At a subsequent interview next morning, the Governor informed Mr. Molteno plainly that he was prepared to take any responsibility sooner than to let him move a resolution to that effect as a Minister of the Crown. Mr. Molteno informed him that he was indifferent as to the capacity in which he made the motion; he quoted precedents from the other colonies to show that far more outspoken resolutions had been carried without the Governor attempting to interfere, notably in the case of Victoria at the end of 1869 under Lord Canterbury, when the Assembly declared its readiness to support the Ministry against any interference on the part of the Imperial Government; and he urged that responsible government in the colonies would be a farce if directly a Ministry complained of the action of the Secretary of State and his agents the Governor were to step in and attempt to stifle the free expression of opinion.

The Governor urged Mr. Molteno to await the result of

(Loud cheers.) I suppose if we had been a more powerful people the Home Government would never have taken such liberties with us.

'Or is it because we live in the West that we are unworthy of the rights of Englishmen? This is not the first time Cape Town has had to take up a firm stand. There was the Anti-Convict agitation. It was said then that we were disloyal, and that we ought to do whatever the mother country told us to do, but we did not do it. We did not give way; and I believe that if it had been necessary we should have taken up arms to maintain our position. Well, I hope the country will evince a similar spirit now. John Paterson is one of those men who were described by Mr. Merriman as coming here to make money and going away again as soon as they had made it. Well, I do not grudge him a fortune if he should make one, nor shall I envy him if they make a baronet of him, of which it is said there is a chance. But there is one on whom I think we can count to do his duty to the Colony, and that is John Charles Molteno.'

This was significant coming from Mr. Fairbridge, who had so strenuously opposed Mr. Molteno when he desired to introduce responsible government at the Cape.

the protest in the Minute against the course pursued by Mr. Froude, who, he suggested, might have gone beyond his instructions.¹ Mr. Molteno then inquired whether, if the conduct of Mr. Froude alone were condemned, the Governor would feel bound to interfere at the risk of a Ministerial crisis and a dissolution, which would have the effect of throwing the whole Colony into confusion, and dividing it into hostile camps. The Governor consented to avoid this if the language used were moderate. The result was that after Mr. Molteno had consulted with his party the word 'by' was omitted, and the words 'in the name of' were inserted before 'the Imperial Government,' and with this modification the Governor deemed it prudent to rest content.

The Minute and Memorandum and resolution were welcomed with acclaim at the time, as they will be treasured in the future by all who understand the principles of constitutional liberty and established law. They were felt to place the Cape Colony in line with and in the highest ranks of the most high-minded, freedom-loving, and constitutional colonies under the British Crown.

It was indeed vain to deny that Mr. Froude had appealed to the people against the Ministry, and that he knew this to be contrary to constitutional usage, for he had candidly confessed that it was so. And an incident now occurred which showed the effects of his intrigues. A resolution in favour of a Conference was proposed in the Legislative Council. Advantage was taken of a technical rule of the Council to deny to Mr. Molteno when he presented himself the right to be heard at all upon the resolution, thus showing the character of the means to which the Froude party were ready to resort. Mr. Froude had skilfully played on the fear of the effects of the Seven Circles Act, which

¹ As subsequent events proved, it was fortunate for the vindication of the rights of the Colony that Mr. Molteno did not take this advice, for Lord Carnarvon approved all Mr. Froude had done.

had always been distasteful to the existing Council, with the object of influencing the more deliberate and important debate which was taking place in the House of Assembly. The incident shows the danger of having a Chamber of so few representatives. The work of intrigue is made easy, for the effects of capturing even two or three votes is serious in a body composed of so few members.

When the notices were called, the Premier rose, and, as the champion of the rights of the colonists of the Cape of Good Hope, gave his challenge to the anti-colonial party. As was his wont, there was no uncertain meaning in his words, no equivocation, no necessity to read between the lines. The words of the resolution read like the utterances of the Englishmen who in British North America and Australia were building up nations worthy of the free institutions which they had generously received from England. The cynical philosopher who, in his books, had spoken with contempt of constitutional government; the speculators whose interest in the farms of the Transvaal and elsewhere made them desire to see the English flag over them; the office seekers, ready to grasp at the treasury benches, might unite if they pleased in opposing the resolution; but every man who valued free government would rally round Mr. Molteno in thus boldly and manfully meeting the imperial agitator.

A cheer of the kind that indicates deep feeling greeted the resolution, and the hope that the Assembly would take the government of the Colony out of Mr. Molteno's well-tried hands to place it in the keeping of the instrument selected by Mr. Froude was destroyed for ever. Separation had always been nowhere when brought face to face with the strong common sense of the Parliament. And now, however skillfully Mr. Froude had worked his plans, and played his cards to gain supporters amongst the land speculators of Port Elizabeth and the Separationists of Grahamstown, amongst

the patriotic Afrikanders, and all the other interests, influences, and agencies—now, when the arguments were put forward where they could be met and answered, the great house of cards collapsed at once.

Mr. Molteno spoke in a manner characteristic of him, and worthy of the high position which he held as the defender and champion of the great constitutional privileges which the Cape now possessed, and for which he had fought through many a long day of discouragement. The success with which he had initiated responsible government was universally admitted. He now proved that he was capable of its defence with equal courage and ability. There may have been a want of systematic arrangement or definite elaboration in the framing of the speech, but there was a broad, manly honesty and straightforwardness about it, of which every colonist worthy of the name might feel proud. There was nothing hollow, deceptive, tricky, or evasive in any single word, while there was an intelligent and patriotic appreciation of true constitutional principles. With all his defects, the figure he presented and the attitude he assumed were worthy of the position he held as first Premier of the Colony of the Cape of Good Hope.

Mr. Molteno began with a reference to the importance of the subject and his own inability to do justice to it: 'I feel strongly upon the question, and it is quite probable that I shall speak strongly, but at the same time I hope that anything I may say will not be deemed discourteous.' It was indeed remarkable to what an extent, considering the provocation given, he succeeded in avoiding personal attacks, keeping the discussion on the high level of the great principles involved. He said there was a time in the history of all nations with free institutions when the people were tempted to part with their privileges, and he passed on to the rise and progress of representative government at the Cape of Good Hope. He showed how, here, self-government

followed the noble resistance of the Colony to the attempt of the Imperial Government to make it a penal settlement. Referring to the share he himself had taken in the struggles to relieve this country from the mismanagement of Downing Street, he said he would go down to his grave with self-condemnation in his mind if he did anything to destroy the privileges it now enjoyed.

I believe, Mr. Speaker, that in the history of all nations and colonies—especially young colonies—you find occasions of this kind arise where assaults are made on their privileges—privileges, perhaps, which they have been fighting for for many years. A time arrives when there is some kind of temptation, some allure-ment is held out; and people, not thinking properly what they are doing, are apt to grasp at a shadow, and sacrifice perchance their valuable privileges for really next to nothing. I am rather inclined to think that this is the case here, that a number of persons at the present day in this Colony are thinking too lightly of this matter altogether, and are not asking what sacrifices they are going to make, and what they are going to get in return. I consider that in matters of this kind, if you once begin to pull away a brick here and a brick there from the foundation, you will very soon have the whole structure down about your heads. You require to be very careful what you are doing, and nothing but the direst necessity or the strongest possible grounds should induce a representative body to tamper in any way with or injure the privileges which, after a hard fight, and an agitation and discussion for years and years, they have obtained.

Now, Mr. Speaker, I will go back a long time. This Parliament has, I think, been in existence since 1854, and we know how it was that a constitution came to be granted to this country. Some of us, at all events, are able to remember the great anti-convict agitation, the resistance which was made to bringing convicts here, and making the Cape a penal settlement. We can remember the strenuous exertions which were made to resist the measure proposed then by the Imperial Government. No doubt Earl Grey acted with the best intentions, and had no desire to sacrifice this Colony; but every thinking man must admit and feel that had this Colony submitted to that measure, then it could not have been the Colony it is. It was necessary at that time to stand firm and resist the measure which was proposed, and, in spite of all the weight and authority of the Imperial Government, we resisted successfully; and I believe the

very men who wished to impose that burden upon the Colony now see that we are right. The conduct of this Colony on that occasion has been held up to the admiration of all the colonies. It stopped the sending of convicts to the Australian colonies; and we were considered generally to have taken a just stand on that most important question.

After this it was found that it would no longer do to rule the Colony from Downing Street in the way it had hitherto been ruled, and out of that noble resistance sprang the constitution, and an end was put to the close system which had prevailed before. In order to complete the structure, and to enable us to manage our own affairs, a movement was subsequently started for what was called responsible government; and it is now just three years since that consummation was arrived at. Many difficulties had to be encountered in attaining this, and there was a great deal of trouble and hard work. I had the honour of taking the leading part in that movement, and I have lived to see the success of our endeavours in that direction, and our representative institutions crowned by that which can really make them useful and effective. Under these circumstances I was invited by the almost unanimous call of the country to become its first responsible Minister, and I happen still to hold that position; and, holding that position—having taken an immense interest in this question, and knowing the great value of what we obtained then—I do feel that I am placed in a most responsible position, not only as a member of this House, which I am outside my position as the first responsible Minister of this Colony, but I do think I should go down to my grave with a reflection on myself if I did anything to destroy those privileges which we fought for and acquired.

I regret to see men who believe in these institutions ready on the slightest pretext and the smallest inducement to surrender them. What we agitated for was the management of our own affairs. We object to gentlemen being sent out from England to manage our concerns, however well-intentioned they might be. They are unable to understand them as we can, and therefore it was we said 'Give us the management of our own affairs.' Even if we do not manage them to the exact satisfaction of those outside, so long as we do not interfere with their rights and privileges, let us get on as best we can with our own affairs, and do not let anything send us back again to the old close system. Therefore, I say, What is it you are doing to-day? Beware what you do to remove the foundations of those valuable privileges which you have obtained; and if you will sacrifice them, take care that you get something in the way of compensation, if it is possible so to do.

He then passed on to the agitation and the agitator. He described, amid the laughter of his supporters, how Mr. Froude first came to the country and how he travelled over it by post-cart and other expeditious conveyances. He referred to what Mr. Froude had said of himself at that time, but briefly and with delicacy, as if he disliked using the terms that would properly describe these statements. The government of the Colony knew nothing more about the matter till one day, when occupied with his parliamentary duties, the Governor sent for him, and put into his hands the despatch of the 4th of May. 'I was never more surprised in my life, and am really at a loss how exactly to explain my feelings.' It was then he received a private letter from Mr. Froude, urging him to carry out the views of the despatch.

It was not left to the consideration of the responsible Ministers of this Colony to say whether it should be published or not, and yet it was a matter which was going to affect our deepest interests. Yet everything was all cut and dried; and, virtually, we were told to accept it, whether we liked it or not. The Home Government did not think it necessary to consult the responsible Ministers of this Colony at all upon that matter—we who had been selected by this House as men in whom confidence could be placed. Yet we were entirely passed by. I certainly thought this an extraordinary proceeding.

As the Governor was ordered to publish the despatch the Ministry thought that they would be cowards if in putting it before Parliament they did not express their opinion upon the document. They were now accused of having been rude in their Minute, but he was only a plain man who put upon paper what he honestly meant, and not a 'polite letter writer,' who wrapped up disagreeable things in honeyed words. He scouted the idea of rudeness, and defied anyone to point it out.

Then he went on to describe the second arrival of Mr. Froude, and how he was captured by a set of gentlemen who

had never since allowed him to go out of their clutches. He caused considerable merriment by referring to the dinner which at the time was said to be non-political, but which, when the Cape Town meeting was to be held, was referred to by its promoters as having given the opinion of the city on the question of the day. He next described how the same party had taken the 'eminent historian' about the country and made a show of him. He was severe on the onesidedness of what he called the 'Dutch press' at that time. He referred to Mr. Froude's departure for the east when the separation cry was raised, and the '14,000 petition' was taken out of its pigeon-hole.

So satisfied were the people with the introduction of responsible government, that addresses of congratulation poured in from all sides. I have them now, some fifty or sixty in number, and I defy any one to point out a single syllable where there was any such idea as separation. The thing, I say, was dead and forgotten, and we had all agreed to go on harmoniously together. We consented to sink all these things, finding in consequence of the Separation Commission that to support three governors and three ministers was altogether out of the question. There was no objection to give all the localities an increase of local government, which is as much as large towns in England expect. They do not want a governor at every place, nor a Minister at every place; they could not stand it. We agreed, therefore, to go on together; it was resolved to carry on public works, and to let the hatchet be buried. We agreed to spend five millions on railways and other public works, and were going on most comfortably, when this gentleman comes out here and tells us we are in a pretty mess and do not know it. He told us that we did not know how to do this, and how to do that, and how to do the other; but if we would only let proper people tell us we should get along all right, and there would be hope and salvation for us yet.

We were to be taught how to cultivate our farms, drive our oxen, plough our fields, and do all those things about which we knew so little. It was considered that people at home could take a much larger view than we poor unfortunate folks. This literary gentleman said: 'You poor working fellows do not value, you do not know the capabilities of the country, and how they can be developed; you must be guided by a superior intelligence.' The Ministry were stigmatised as the greatest set of rascals that ever

existed, although a short time before they had been courted and congratulated in every district, and told they were the most suitable persons who could possibly be selected for the first responsible Ministry.

He pointed out how artfully it was contrived in the despatch of the 4th of May to fan the separation fire by reducing the Prime Minister of the whole Colony to be a representative of only a part of it, and how by making him a representative of the west it was intended to injure the Ministry in the east. He expressed his respect for public meetings properly convened and conducted, but derided those got up by busybodies who never took part in anything except when mischief was on foot. Such things had been done by Mr. Froude, and in his presence, that he felt sure that Earl Carnarvon or any other British statesman would never approve of them if they were brought to their notice. At one dinner given to him, when the health of Sir Henry Barkly, the Governor of the Colony, and the legal and constitutional representative of her Majesty the Queen, was proposed, it was hissed, and Mr. Froude stood by and allowed the insult to go unnoticed.

The Opposition party went on stirring up the strife, urging that it was a monstrous thing for the Ministry to set themselves up against the voice of the country. Why pay attention to the vote of the House of Assembly? They say, Why do not the Ministry resign instantly? I reply that I do not feel justified in resigning. The House of Assembly has put me in my present position, and it would be most cowardly on my part to resign. Whenever the country has had enough of my services and can find a better man I shall be only too glad. I have had a good deal of hard work, and shall not break my heart; but I cannot desert my post. It is no crime to stick to the views of duty. I felt I was bound to do so till I was relieved. When that time comes there is an end of the thing. But how can I take a small meeting here and there with cut and dried resolutions got up by a lot of busybodies as the views of the country?

What had we to resign for? The people of the Colony had entrusted their affairs to us; we were tried men; but instead of placing confidence in us it has been urged that attention should

be paid to these noisy meetings all over the country, when there is no certain way of finding out how far they represent the feelings of the people. But are meetings of this sort to disturb the decisions of the legislature deliberately come to? Do you want to get into the same state as Paris was? I verily believe that if it was possible for Lord Carnarvon to be fully acquainted with these things, no British statesman would countenance such proceedings, so utterly subversive of good government. For a man to come here and over-ride the Government of the Colony and the people, and arrogate to himself all these functions! I do not say it in any offensive way. Mr. Froude, no doubt, is a man of large literary resources and so on; but for all that he has come out here and agitated the country. To show the Imperial character of this gentleman, he is authorised, in his own opinion, to over-ride the Governor. He is Lord Carnarvon's trusted agent. I suppose Lord Carnarvon, as a constitutional Minister of the British Crown, can appoint a governor here, but can he appoint another person to over-ride him?

I will read what this gentleman said at Grahamstown, and truly I was astonished when I read it. 'My dear Mr. Mayor,—I must write a few words now, when the excitement of the first impression has cooled, to thank Grahamstown for the splendid support which it has rendered to her Majesty's Secretary of State.' What support, I would ask? Is not that opposition to the Ministry and Government of the country in favour of Lord Carnarvon, after a matter has been properly decided by the representatives of the people? Could anything be more extraordinary? I was utterly astonished when I read that, and I thought that Mr. Froude had better assume the governorship at once. He goes on: 'I have to thank you further on account of my own self for the reception you gave to me as Lord Carnarvon's unworthy representative.' Now how can we have any other representative than the Governor? By what constitutional course does Lord Carnarvon send another representative of the Queen here? By what authority, I ask, can a British Minister do anything he likes? If this is an unconstitutional course, which it certainly seems to me to be, it is for us to look carefully into the matter, and ask the reason why.

'Nothing, I can assure you, can give me more pleasure, or her Majesty's Government.' Just look at the whole tone of the things. No governor could have written in stronger terms, for it seems to me to supersede everything and everybody. 'All the English nation.' What on earth have the Grahamstown people done for Lord Carnarvon to deserve the thanks of the English nation? They certainly received this gentleman and gave him a good dinner, and made a

great deal of fuss, but they had better have lain down in the streets and allowed him to walk over their necks 'All the English nation thanks you on account of the hearty loyalty of the inhabitants of so important a community as yours.' That is this gentleman's loyalty, to excite the people of the Colony, who have got a regular fixed Government, and a House of Representatives, who have dealt with this matter—to call them together and speak to them, and say 'these people do not represent you. Tell them to make insulting remarks against the Ministry.' And then he concludes his letter, 'To yourself as Mayor and the rest of the community I tender my gratitude.' After that, I think we had better all shut up. I really do not see what is to be done, or how the Government is to be carried on. I am afraid if this literary gentleman were to write an additional page or two with regard to Ireland and picture such a state of things as anyone going and setting himself against the Government, he would say he ought to be hanged on the highest gallows; he would, in fact, be obliged to condemn himself from his own point of view.

With reference to the petitions from the country in favour of the Conference, all in the same terms, and in the same handwriting, he said:—

I had intended to remark upon the singular coincidence and similarity of all these petitions which have been presented, evidently issuing from one fount of type, and from one particular place. The only occasion when I remember anything similar was when Sir Philip Wodehouse sent down a Bill recommending the destruction of the constitution of this Colony. He proposed to do away with the Council, and reduce the House of Assembly to twelve members. Then a similar course was adopted of sending cut and dried petitions about the country. The moment we saw this proposal to cut down the constitution, we said, 'If we die on the floor we must stop this; it will never do.' But you will find men sometimes who will support everything, so long as it comes from a certain source, and at that time we found gentlemen in this House ready to support the cutting down of the constitution, and petitions were got up and signed in much the same way as we see to-day. Now, we are asked virtually to destroy responsible government. Well, what is the use of responsible government if an Imperial agent is to come out here and arouse the whole country against the Ministry? I ask any sensible man, and it does not require one to go very deep into constitutional law and all that sort of thing. It stands to reason and common

sense. How can the government be properly carried on when an Imperial agent, commissioned by an English statesman, comes out here, gathers the people together, addresses them, receives their homage, and incites them against the Ministry?

The Ministry have laid before this House a memorandum, and I think we were rather wanting in our duty in not at once denouncing the fact of the Secretary of State for the Colonies sending a despatch of this kind to the Governor, and passing by his responsible Ministers. It was in my opinion a gross breach of the rights and privileges of the Colony; and here I will just read what the people in Victoria resolved, to show the stand they took when an attempt was made by the Home Government to interfere with their privileges. There was a series of resolutions, but I will only read two of the most important, and the House will see what an important bearing it has upon this subject: 'The official communication of advice, suggestions or instructions by the Secretary of State for the Colonies to her Majesty's representative in Victoria on any subject whatever connected with the administration of the local government, except the giving or withholding of the Royal Assent to Bills passed by the two Houses, is a practice not sanctioned by law, and is derogatory to the independence of the Queen's representative, and a violation of the principles of responsible government, and the constitutional rights of the people of this Colony.'

There they said the Home Government had no right to do any such thing. They might disapprove of Bills if they chose, but no communications affecting the rights of the Colony could take place except through the responsible Ministers. I know that Mr. Porter held these views very strongly, and he held even that such communications could not take place through the High Commissioner; and, recollect, this despatch was not sent to the High Commissioner, but to the Governor, and he was not to wait. He was instructed to publish the despatch, and Lord Carnarvon censured the Governor for waiting a few days even in a matter of such vital importance to the inhabitants of this Colony. The responsible Ministers were to be passed by, and Government was to immediately communicate with the hon. member for Port Elizabeth.

Mr. Molteno now gave his view as to what course would have been wisest and best in regard to the despatch of the 4th of May, and his explanation shows how unfair it was to charge him with precipitation and want of consideration to Lord Carnarvon:—

My opinion from the first was this, that there were grave mistakes in the despatch; but I thought it might be possible for the Governor to put it on one side for a little, and communicate again with Lord Carnarvon in the first instance the serious nature of the objections, with a view to the matter being reconsidered. I thought he must have been wrongly advised somewhere—that he had not gone to the proper source for advice. I told Mr. Froude that was my opinion of the matter, and although he used all the persuasion possible, and put the matter in every way, I remained firm. He said, 'Oh! I can explain it all; I can put quite a different light on the thing.' To this I replied: 'I am perfectly willing to receive from you any explanation. I think you have been accredited as a representative of the British Government for this Conference, and if you are in possession of further information, or have anything to say which will materially alter the aspect of the thing, if you will put it in writing and submit it to me, I will take the opinion of my colleagues, and anything we think ought to be communicated to the people of the Colony constitutionally shall be done. I cannot, however, see how you can possibly pass by the Government, and go to the people direct as a representative of Lord Carnarvon in any official capacity.' Mr. Froude replied: 'There is something in what you say. I shall be obliged to justify the course I am taking, as it is recorded in the Colonial Office.' I then wrote to him to the effect that in my opinion it would be unconstitutional to communicate to the people of this Colony except through its Government.

Dealing with the unfair character of Mr. Froude's proceedings, and the charge of disloyalty insinuated by him, he said that:—

Having taken up the position of leader of this agitation, I suppose he communicates certain things to that party, as much as he thinks right: but the unfortunate and anomalous position we are in is this—that we have no such means of communicating with Lord Carnarvon as Mr. Froude has. The Government have no means of attending public meetings and entering their protests on the other side. Certain gatherings are called together and opinions expressed, and away they go to England, where Lord Carnarvon is duly advised of them, everything being placed before him in a certain light. But what chance have we, having no opportunity of communication except through the Governor in the official way? All this has been carried on, and this is the sort of influence that is brought to bear. I saw in a paper only

yesterday a flaming article to the effect that I ought to be hanged for high treason for calling in question the expediency of this Conference. But we have heard that story over and over again, when we resisted Sir Philip Wodehouse's proposal to cut down the constitution, and we heard that we were extremely disloyal when we refused to have the convicts. The moment you open your mouth, and do not acquiesce in everything that is done by the British Ministry, it is disloyal; but are they expected to do everything to perfection?

I only read just now one resolution of the Victorian Legislature in order to show how men there can assert their rights, and I am not aware that they are called disloyal, nor do they seem to go very much out of their way to put their feelings into such nice language as some of the hon. members in this House would like. When we get this polite letter-writer in the Colonial Office at a suitable salary, perhaps we shall be able to go in for that sort of thing. The other resolution I alluded to is an assertion of political rights against any unlawful interference by the Imperial Government in the domestic affairs of the Colony. That is how they assert their rights and privileges in Victoria. (Mr. Watermeyer: 'Domestic affairs.') Yes, and so the annexing of this Colony to the Free States and Natal is a matter about which the responsible Ministry here are to have no say? If this is what the hon. member means I can understand it. Now he has put his foot down. Now where is his responsible government? What is it worth in his hands? Why, he would sell the Colony to-morrow if that is his view, if you only give him enough money, and he gets a *quid pro quo*, but I am not willing to do so under any circumstances. I would rather not have whatever they may be going to give us, than take it on those terms.

As to the attitude of the Colony towards the Free State, he showed that there was the very best feeling between them:—

I beg it to be distinctly understood on the part of myself and the Government, that in their opposition to join in the Conference there is not a particle of ill-feeling or any unfriendliness towards the two Free States. Not the slightest; and I cannot see how such a thing can be supposed. We have always been on the most friendly terms, and I see no possible reason why we should be on any other. I should be only too glad if we could in any way co-operate with them; but, as far as I can see, they have got their eyes open too. They are not so likely to have dust thrown in

their eyes, but the hon. member for Colesberg is willing to have a considerable amount of dust, and to look through the thing with a particular kind of spectacles. I have the utmost sympathy for those states, and always have had. I am well acquainted with many of the people there, and I was one of those who thought that Sir Philip Wodehouse dealt very harshly in the measures that he took, and I expressed myself to that effect. I have always been intimately connected with many of those people, old Dutch inhabitants, and a most scandalous and infamous insinuation was thrown out when it was said that I was hostile to the Dutch. We all know for what purpose it was done. Will the hon. member for Colesberg say he believes I am? I say it is a false and scandalous libel. And it has only been put forward for the vile purposes of those who are working the oracle. I have had no opportunity of expressing myself, and I felt I do not know how. I could not enter into a newspaper controversy; I felt that would be improper in my position as Prime Minister. I have had to bear all this; but to-day I shall express myself. To-day I have a chance of expressing my indignation at the insolent and scandalous rumours. I can only hope that Mr. Froude has not identified himself with them. At any rate I do not think the people will believe it. My connection with this Colony is too fast and sincere, and has lasted too long to be knocked on the head by any schemes of that sort.

Ringling cheers followed his challenge, and no one dared repeat in either House what had been circulated out of doors, with a view to destroying the support he received from members representing Dutch constituencies.

In defence of his relations with and attitude to the Imperial Government, he simply said that he had been publicly thanked in a despatch for what he had done for the Imperial Government in the Langalibalele affair, and under circumstances that placed the existence of the Ministry at stake:—

Neither, Mr. Speaker, is it my desire in any way to evince an unwillingness to meet the Home Government in any proposition they may make. In one of his despatches, Lord Carnarvon, I think, thanked the Ministers here for the step they took on a recent occasion when they jeopardised their existence. The hon. member for Port Elizabeth (Mr. Paterson), who now says that the

Home Government ought to be supported, was the very man who went against them on that occasion. He was then Lord Carnarvon's bitter opponent. Now he stands up and condemns the Ministry because they will not sell the privileges of the country. I did not myself like Langalibalele being brought to the mainland. I considered he was better on Robben Island ; but Lord Carnarvon put the case most strongly : he was placed in an awkward position with the people of England, pressure was brought to bear upon him, and, under all the circumstances, I was willing to meet the Home Government and strain a point. But the hon. member was opposed then to the wishes of Lord Carnarvon. He will go with him now.

. . . I say, then, do not come here and talk of disloyalty as regards myself and an indisposition to meet the Home Government in a fair and open manner. It is not from any surliness. If I could have written the Minute in any other way I would have done it, but I wrote it from conscientious motives and in the interests of the country. I cannot sell the birthright of the Colony for anyone, nor will I. I will let other men come in and do that dirty work.

This was received with loud cheers. Then he turned to the danger of trusting to people newly arrived in the country, in preference to those whose knowledge and well-earned services entitled them to be heard :—

In the course of my experience I have seen gentlemen come out here, some with letters of introduction to myself, and they have asked me various questions in regard to the country. Many of them have fancied that we are a poor, benighted people here, and really knew nothing about farming or anything else. They had an idea that they could teach us the right way to do this, and the right way to do that : but it has generally ended in their giving it up as a bad job, and finding out their mistake when they came to putting their ideas into practice. And yet we find some people who are willing to hand over all the affairs of this country, and cease to be guided by experience. We who have lived in the Colony for a number of years know its wants and requirements best. Mr. Froude may be an excellent man—I do not deny that for a moment—but he does not know sufficiently of the country and its people to steer things of this kind. I almost pity Lord Carnarvon, because I consider that he must have been guided mainly by the advice of Mr. Froude. That gentleman just rushed through the country, and fancies he understands the affairs of the Colony better than we do ourselves, but I do not subscribe to that doctrine.

As to the character of the Conference and the objects to be attained by it, they could all be secured without this extraordinary body. No Conference was needed with regard to Griqualand West. He was not opposed to the ultimate federation of South Africa, but it must grow, and not be forced. Natal they could have nothing to do with at present; we were prosperous, and had to complete the difficult task of initiating responsible government:—

I am not opposed to an ultimate agreement between the states of South Africa. The time will come when that may be necessary, but it is not now. It cannot be forced on, and I particularly object at this present moment to have anything to do with the Colony of Natal. The Home Government have recently sent out a most eminent man to Natal; the constitution there has been subverted, a new policy has been introduced, and that sort of thing is not done without difficulty. Let them manage their own affairs there. Let them give us a lesson, or, if they like, let them take a leaf out of our book. . . .

If we are all to be confederated together, the very best thing to be considered is defence; and do those who advocate this Conference rightly estimate all the consequences of that? We see our way in so far as this Colony is concerned, and by judicious management are able to hold our own without a ruinous expenditure; but I should be very sorry to be a responsible Minister when Natal has to be looked after, with its 350,000 people, under a system which has been admitted to be bad. A new system has been introduced, and therefore this is a most inopportune time for anything of the sort. The Cape Colony has a tolerably good revenue, and a good population; there is something to work upon, and yet we are put in the despatch on only slightly different terms to the other states, that have scarcely anything. What is the white population of the Free State? Perhaps the hon. member for Colesberg will say—about 25,000 I think. The Transvaal not as much; and at Natal we know the white population is 15,000. While the other states have a revenue of 300,000*l.* or 400,000*l.* at the very most, ours is a million and a half. The burden, therefore, would all be placed on our shoulders.

I think the sooner Mr. Froude takes his departure, having found out what an incorrigible set of fellows we are, and that we insist on working our own destiny, the better.

The Imperial Government would think no worse of the

Colony for looking after its own interests; and as to the taunts that the Ministers desired to adhere to office through everything:—

Let me add that Lord Carnarvon will not think a bit the worse of this Colony for looking after its own affairs properly: he will say it is lucky they have got a set of men there who do not follow my leader without knowing what they are going to, just haphazard. They know there, he will say, how to maintain their rights against no matter what. I know very well all the taunts that have been made about the desire of the Molteno Government to stick to office, that they are afraid of being turned out; but there is something better than office; there is the conscientious knowledge of having done one's duty. That is far more to me than anything else. If you are determined that we are not the men to govern, then dismiss us. I certainly will never carry this measure out. That is quite clear.

I have looked at this matter from every point of view, but I cannot see any good that will result from this Colony joining the Conference.

As an illustration of the danger to free government from the action of Mr. Froude, he instanced the action of the Legislative Council, which, on the very first day of its meeting, raised a discussion on a most important question (the Conference), and when the first responsible Minister rose for the purpose of speaking, he was prevented from addressing them.¹

He warned the Colony that it was being misled:—

Has any meeting been held where the matter has been properly brought forward and explained? Has anyone pointed out the liabilities we are likely to incur? We see meetings called together here and there, and cut-and-dried resolutions passed, which only tend to mislead the country. I maintain that people have been misled; and if this Conference should take place, and disastrous consequences ensue, I can see the result. I would not like to be in the place of those men who have fostered this agitation, and got people to sign petitions when they did not know what they were about. It was at Grahamstown, I think, that Mr. Froude took upon himself to allude to what is called the 'Seven Circles

¹ See p. 6, *supra*.

Bill,' and spoke of it in a most improper manner. An Act passed by both branches of the Legislature, submitted for her Majesty's approval, and which had become the law of this Colony, was spoken of in a sneering and improper manner, and I could only account for it as another effort to bring the Ministry into contempt, and having a certain effect at particular places.¹ I think I have said sufficient to show that the opposition which the Government make to this proposal does not arise from any ill-feeling or desire to affront Lord Carnarvon. We have no such intention, and I think the resolution put on paper now, must do away with anything of that sort.

He concluded his speech by justifying the serious step which had been taken of calling Parliament together in special session :—

I hope what I have said will be sufficient justification for the extraordinary step we have taken in calling you together to take counsel on this very important subject. No Ministry could possibly do justice to the affairs of this Colony with such an agitation going on, and while such scandalous misrepresentations were being made as those at Grahamstown, where it was asserted that the officials were brought under compulsion and were not allowed to go out of their houses to attend a meeting. It is all nonsense. These statements, I say, were industriously circulated, and an endeavour was made in every way to bring the Ministry into disrepute, so that they might be hurled from power. I could not contradict these malicious statements. I had to bear them, as it would have been derogatory to the position I hold to have written in the papers. I hope we shall see an end of this one day, and that we shall have an opportunity of speaking to the country and seeing whether they will support this measure.

After Mr. Moltano had sat down, Mr. Philip Watermeyer was the first to speak. He was the principal supporter of Lord Carnarvon's policy, holding that Lord Carnarvon was really desirous of doing justice to the Free State, whose rights Mr. Watermeyer had always championed, yet he now

¹ Mr. Froude, in his defence, says (*I. P.*, C—1399, p. 81): 'If I really deserved the imputation which Mr. Moltano threw upon me, your Lordship must regret having confided so important a negotiation to a person so unfit to be trusted with it.' It is for our readers to judge whether Mr. Moltano accurately stated the facts or no.

laboured under the difficulty that the Free State absolutely refused to submit its claims on Griqualand West to such a Conference as Lord Carnarvon proposed. His opposition to the Ministry was based on various grounds. He urged that, judging by the numerous petitions and public meetings, the Colony was desirous of joining in the Conference; and he strove to impress his audience with the desirability of finding some means to satisfy the Free States, who thought themselves injured by the annexation of the Diamond Fields. He dilated on the danger to the Cape of a northern confederation of the Free States, Natal, and Griqualand West taking its trade; the authority, strength, and stability which would be given by the proposed confederation to all the states composing it; the advisability of a uniform native policy, and generally the necessity of showing some deference to the wishes of the Imperial Government in a matter which it was attempted to be alleged was not one affecting the internal administration of the Colony.

The Attorney-General, Mr. Jacobs, followed in a powerful speech, in which he referred to the constitutional principles involved, and showed how Lord Carnarvon and Mr. Froude's action had infringed on the rights of the Colony, not only as laid down in the text books of authority on constitutional law, but as stated by Lord Carnarvon himself when speaking in the House of Lords on Canadian Confederation. He vindicated the Ministry in their resolution to use their own judgment as to the wisdom or unwisdom of any course proposed to the Colony, however strongly such a course might be urged upon them by so high an authority even as Lord Carnarvon, the responsibility was theirs and could not be taken from their shoulders.

The day after this speech was delivered, Lord Carnarvon's third despatch arrived, and as in the two former, it contained a peremptory injunction to the effect that it should be laid before Parliament, or anyway should receive full publicity as

soon as possible. It was therefore laid on the table of the House at once. It contained much that was notable, but it is now mentioned because it changed the course of the debate and was taken to mean a withdrawal of the proposal for a Conference. The words of the despatch from which this meaning was drawn seemed plain enough. Lord Carnarvon subsequently said he could not for the life of him understand how they were so interpreted. However, readers may judge for themselves. Here they are :—

It appears to me not improbable that the great amount of discussion which has been given throughout the Colony to the question of confederation may be held to have fulfilled most of the purposes of that preliminary Conference which I had originally suggested, and it may be thought, as I myself am disposed to think, that the time has arrived when her Majesty's Government should more specially explain the general principles upon which they are of opinion that the native policy of the future should be based, and the terms and conditions upon which they conceive that a confederation might be effectively organised.¹

This was understood by the Governor, the Ministers, the whole House, and the portion of the press which supported Lord Carnarvon, as a withdrawal of the Conference suggestion, though it is true a tentative proposal was thrown out that a meeting in England would be convenient, for explanations which her Majesty's Government desired to make. The situation of affairs was now entirely altered, and Mr. Solomon moved the adjournment of the House.

Mr. Molteno was never anxious to have any difficulties with the Home Government—he had done his best to avoid them, even to the extent of risking his political existence over the Langelibalele question to procure harmony between the Colonial and Imperial Governments, and aid the Colonial Secretary in the difficult position in which he had found himself; but Lord Carnarvon had so little appreciated this that his demands on colonial deference to his

¹ *I. P. C.*—1899, p. 27.

views had become more exacting. A chance now seemed to have occurred of shelving the difficulties, and Mr. Solomon, who also shared the desire to avoid friction with the Imperial Government, introduced a resolution with the assent of the Ministry :—

As it appears from the despatch dated the 22nd of October, 1875, that the Right Hon. the Secretary of State for the Colonies has withdrawn his proposal for a Conference of Representatives of the several Colonies and States of South Africa, this House is of opinion that it is not now called upon to record its continued objection to the holding at the present time of such a Conference, or its condemnation of the unconstitutional agitation carried on in this Colony in connection with this question.

To this was added, on the motion of Mr. Walter :—

The House desires, however, to express its opinion that the Government and Parliament should, if it be desired by the Imperial Government, give it their counsel and assistance in settling the difficulties which have arisen out of the extension of British jurisdiction to the territory known as Griqualand West.

Mr. Solomon made a convincing speech. He followed the previous speakers in condemning the course pursued by the Home Government, through Mr. Froude, as ‘unprecedented in the history of the British colonies since they possessed self-government, and because unprecedented, therefore, according to the theory and usage of the British constitution, unconstitutional.’ He showed how the chief support received for Lord Carnarvon’s proposals had been in the Grahams-town and Port Elizabeth districts, the old separation headquarters, while in the west the aid had mostly come from those whose sympathy had been enlisted because it was represented that Lord Carnarvon’s policy was one of conciliation towards the Free State and Transvaal. ‘I could see under all the glamour thrown around the movement the feelings that were at work, and it was this that aroused my suspicion from the beginning.’ He showed how he could not be called with any justice an opponent of confederation :—

It will be remembered by those who took an interest in political matters in 1854 that I was the first man to give my sentiments in favour of a South African confederation. It was one of my dreams of, it may be, a distant future, and I still indulge in that dream and hope of confederation, which I said I hoped would form the United States of South Africa. I included in this union British Kaffraria (since incorporated with the Colony), the Free State, the Transvaal Republic, and Natal. This I mentioned in my first address to my constituents twenty-one years ago, and, therefore, so far as forming a great dominion in South Africa was concerned, I was not staggered with Lord Carnarvon's despatch. My objection was to the way in which the Conference was proposed, and the subjects which it was to discuss. . . .

But all Mr. Froude's public utterances have manifested a decided preference for the native policy of the Transvaal Republic over that of this Colony, and so far as our native policy was concerned, I had grave apprehensions of a Conference in which the representatives of England seemed to entertain these views. . . . While I admit that the native policy of this Colony is not perfect, I assert that it is more perfect than the policy of those two Republics. . . . I agree with the Memorandum of the Ministry on this point. . . . The only proper and effective native policy that we can adopt at present is to have laws based on principles of justice, whose administration may be extended and modified according to the circumstances of the times and the people on whom they operate.

And then as to Natal :—

Would it not be an act of madness for this Colony even to consider the admission of Natal into a federal union in these circumstances and at this time? Let Great Britain consolidate its native policy at Natal; let it take precautions against any outbreak which might happen in the course of the experiment now being made; let the time of transition go by, and then it will be time enough to ask us to admit Natal into federal union with this Colony.

As to the charge of disloyalty in opposing Lord Carnarvon's policy, he said :—

I am not one of those who are always boasting of their loyalty. I am a Cape Colonist, and I call myself an Englishman. Though born in Africa, the hon. senior member for Colesberg will not admit me to the privilege of being an Afrikaner; the hon. mem-

ber for Somerset will not, I know, allow that I am what he calls a Dutchman ; and, therefore, I must be content to consider myself as only an Englishman and a British subject, and I am content to be that. Nor am I disposed to exchange the rule of Queen Victoria for that of President Burgers, or the flag of old England for that of the Transvaal Republic ; and I believe this to be the sentiment universal among the Cape Colonists, both Dutch and English.

As to the character of the support accorded to the Conference :—

It will be as well, therefore, I think, that we should know a little more of this matter before we can decide who are in favour of confederation on its own merits, and who on the ground of the profit they will derive from their land speculations ; for, God forbid that the government of the country should get into the hands of land-jobbers. Let us keep clear of that. . . . That we are not too early in looking after our rights may be seen by the London 'Standard,' which arrived by the last mail. In a leading article in that organ of the Conservative Government, we have this passage : 'Nor can it be admitted to be a local privilege of a British colony to determine when it shall be united for certain general and common purposes with other British colonies and foreign states.' Surely the time has come when we ought to resist and resent such a doctrine as that. If this Colony is to be sacrificed, we should, at least, let our voices be heard. If the interests of the empire require a colony to be sacrificed, that colony may surely protest against being made a victim. And it appears to me that the passage in the 'Standard's' article is well illustrated by the attempt to fasten upon this Colony the Colony of Natal in its present circumstances. We did not oppose the Conference a bit too soon or too much, and Lord Carnarvon's withdrawal from his position shows that we adopted a right course.

He defended the Ministers from the attitude of those who said that they were wrong in not agreeing to the Conference, for he showed how the House in the previous session was unanimous on the point of not agreeing to a Conference ; the only question was, which resolution was most polite in its refusal. He showed the grounds of the support of Port Elizabeth to the Conference movement, quoting Mr. Paterson's speech there, when he descanted to

the shrewd business men of Port Elizabeth on the rise in values, when every acre of land in the Free States and Transvaal would be more than doubled on the morning of confederation. No money gain with millions of acres suddenly doubled in value! What prospects of increased security for their accounts!

Referring to the relation of Lord Carnarvon and Mr. Froude with the Free State and Transvaal, he said :—

I was unable to understand many of the statements made in the course of the agitation, for we find the Home Government, in the person of their representative, expressing themselves as repentant and humbled sons of injustice. At Worcester we heard of the Imperial Government being content if allowed to keep Simon's Bay, and the people of this Colony being asked to promise that in any foreign war the resources of this country would be placed at the disposal of the Queen. I could but ask myself what all this meant? This was so different from the course usually adopted by the Imperial Government, and then there was Lord Carnarvon's second despatch, wherein he spoke of the Transvaal, and said that the proposed Conference was in order that the Home Government might be advised what to do in reference to the position of the Zulus, and the arbitration about Delagoa Bay—I wondered what had happened to induce the Home Government to invite a foreign power to advise them? I really felt ashamed of my country, and I was not at all sorry when I saw the last despatch from Lord Carnarvon to the President of the Free State, in which he assumes, as I think, a position which I will not say is right—though the hon. member for Somerset has to-day said it is—but it is at all events more creditable to the Home Government than that humiliating and abject position of pretending to be guilty of injustice which they could easily redress if they chose, or to have committed sins which I am sure the Home Government, when pressed to an issue, will not confess to have committed.

As far as my own feeling goes, I would prefer that the Colonial Secretary should withdraw the original resolution altogether, as it seems to me that by the withdrawal of the proposed Conference the only reason for it has disappeared. As Lord Carnarvon has withdrawn his proposal for a Conference, all action on our part on that question ought, in my opinion, to cease, but there are many of those who vote with us and perhaps the Ministry too, who are not of that opinion. They feel that the withdrawal of the motion

after all that has happened, with no other resolution to take its place, may be misunderstood and misapprehended; that it may be supposed we have changed our opinions, and not that the circumstances and the position of the controversy have changed. I have no such feeling as that myself, but in deference to these views, which are not unnatural, I think it right to propose the amendment which I have already read. We do no harm in saying that as this despatch withdraws the proposal for a Conference, we do not feel called upon to record our opinion as to whether there should be a Conference or not.

As to the position of the Ministry and the possibility of its defeat, which was the principal object of the opposition to it, and not the holding of a Conference, Mr. Solomon said:—

But if Lord Carnarvon's last despatch had not changed the whole aspect of the case, I should have been sorry indeed to have seen the Ministry defeated on a question in which I think they have done the Colony a good service. They have fought our battle well and manfully resisted what they deem to be an invasion of this Colony's rights. And here let me say that although I think the Hon. the Colonial Secretary may have gone wrong on some points in this particular dispute, still I admire the courage, I admire the fairness, with which he adhered to his point—I admire the manliness with which he has asserted our constitutional rights. He would have many temptations to meet the views of the Home Government, and such a course might have been greatly to his own personal advantage; we owe him therefore a debt of gratitude for having—whether we believe him to be right on all points or not—that he has resisted the pressure and blandishments that might have been brought to bear upon him. Though this Colony has no baronetcy to dangle before his eyes, he was faithful to what he believed to be its best interests and its constitutional rights.

Mr. Sprigg showed how astounding was the position created by Mr. Froude and Lord Carnarvon, and how impossible to defend:—

There is no doctrine better understood or more firmly settled in England than this: that so long as the Ministry possess the confidence of the country, they are entitled to enjoy the confi-

dence and be sustained by the power of the Crown ; and it is that sound constitutional doctrine which we, who have taken up this question, contend has been infringed by the course followed by the Secretary of State and his agent, Mr. Froude.

Now it must be manifest to the House that if the Crown is fighting against itself a divided house cannot stand—that the Government of the Queen in this Colony cannot be carried on if the Ministers of the Crown in England are fighting against the Ministers of the Crown in the Colony. The result of such a contest must be to lessen the power of the Crown, and ultimately to bring it into contempt. This is the position we occupy upon this occasion. It is perfectly clear to my own mind, and I hope I have made it equally clear to the House. We say that the member for Beaufort and his colleagues are carrying on the Government of the Crown in this Colony, and then Mr. Froude comes out here claiming to be the mouthpiece of the Queen. That was his own statement at the public dinner in this town. He said that he spoke not merely the mind of Lord Carnarvon, but the mind of her Majesty ; or if hon. members do not wish to carry it so far back as that, Mr. Froude is undoubtedly the agent of Lord Carnarvon, who speaks the mind of the Queen so long as he holds office. When Lord Carnarvon speaks it is the Government of the Queen that is speaking, and consequently the Crown itself ; so that Mr. Froude is in fact the agent of the Crown, and, occupying that position, he appeals by agitation to the people of this country against the Queen's Ministers in this country. That is what we say is unconstitutional, and that is why we say that the successful working of self-government in this Colony is by this course of proceeding rendered impossible. There is only one constitutional appeal by the Crown to the people, and that is by a dissolution. We contend that the Crown can only address the people through its own servants, the Ministry.

It is not agitation on the part of the people of this Colony that we object to ; but we object to the Queen's Government in England carrying on an agitation against the Queen's Government in this country. If we talk for ever on this subject we must come back to that at last ; and that is a proceeding which renders the successful working of self-government in this Colony impossible.

Mr. Paterson of course supported Mr. Watermeyer's amendment, which asserted that the proposition of Lord Carnarvon ought to be accepted that delegates should be appointed, but that none of the conclusions of such Con-

ference should be binding without the sanction of the responsible legislatures of the colonies and the states; but even Mr. Paterson had to concede that it would be fatal to admit Natal to a confederation unless the Imperial Government agreed to keep 4,000 troops there for ten years at least.

Mr. Laing, who had opposed Mr. Sprigg's resolution in regard to the confederation despatch in the previous session of Parliament, gave notice of an amendment, that the House could not give even an implied assent to any of the suggestions in paragraphs four and five of the original despatch, by which the holding of any Conference might be relegated to England instead of being held in the Colony. Even Lord Carnarvon's supporters had begun to take alarm at the high-handed manner in which he was urging this question.

When Mr. Froude perceived that Mr. Molteno was likely to have a majority, he urged the Governor to use his influence to get him to concur in a rider to the resolution, offering, on behalf of the Colonial Government, to co-operate with the Imperial Government in effecting an amicable settlement with Griqualand West. He even desired the Governor to press Mr. Molteno to go further and agree to send a colonial delegate to directly negotiate with Lord Carnarvon on the subject. Mr. Molteno would not agree to this, but accepted the amendment moved by Mr. Walter, to the effect that the Colonial Government should, if it be desired by the Imperial Government, give it their counsel and assistance in settling the difficulties which have arisen within the limits of British jurisdiction in the territory known as Griqualand West; and this was incorporated with the substantive motion.

The discussion and debate lasted eight days, and finally Mr. Watermeyer's resolution in favour of appointing delegates was negatived by thirty-five to twenty-two votes.

Mr. Solomon's amendment, which had now become the

main question, was adopted by thirty-six votes to twenty-two, a decisive majority in a small House consisting of sixty-six members. It was also an increased majority on the division in the previous session on a similar subject. A glance at the list of the minority shows that the old separation names are there in opposition as usual, together with one or two members, such as Mr. Watermeyer, who sympathised strongly with the Free States; but Mr. Froude's attempt to destroy Mr. Molteno's influence with the Dutch had absolutely and miserably failed; they supported him solidly. No western member but Charles Barry, sub-director-general, as he was called, of the agitation, and his brother, Mr. T. D. Barry, voted with the Opposition. Taking the division lists from another point of view, we find that, out of the thirty-six, there were twenty-five English names against eighteen English names on the other side. No one could say that this decision of Parliament did not represent the opinion of the country.

The debate had been ably and calmly conducted; the great question had been fairly deliberated upon. The issue affirmed, firstly, two great principles—that, the Colony having been endowed with responsible government, should not be subjected to the dictation, control, or interference of any sort from home officials unacquainted with its wants and circumstances, and therefore incompetent to dictate the policy best suited to its interests. Secondly, that an agitation could not be constitutionally carried on through the home officials by, or in the name of, her Majesty's Government in England against her Majesty's Government in South Africa. It showed moreover how diplomatic manœuvring could be detected and resisted by plain colonists, and that the great agitation, thought by Mr. Froude and pronounced by Lord Carnarvon, in his despatch of the 22nd of October, to be the opinion of the country, was nothing but the noisy exhibition of a minority in the Colony who desired

to make use of Mr. Froude and Lord Carnarvon for their ulterior objects.

Thus, again, as on three previous occasions during the governorship of Sir Philip Wodehouse, had Mr. Molteno succeeded in parrying the assault on the constitutional privileges of the Cape, and had repelled it successfully; the right to self-government was vindicated. Englishmen at the Cape had proved their brotherhood with Englishmen in every part of the world in preserving intact their free institutions.

The result of the decision in the Cape Parliament was looked upon throughout South Africa as the death-blow to the Conference, and to the confederation idea as well, for the present. One thing only was clear, and that was that South Africa desired to be left alone. Nothing now remained for Mr. Froude but to go home to the Colonial Office and inform his noble friend that he had done all that man can do by travelling, speaking, and writing, but that he had utterly failed in awakening the sympathies or enlisting the support of the South African people on behalf of the scheme for the confederation of the colonies and states of that portion of the continent. Mr. Froude had gained some experience from his present tour, and in the final paragraph of his Report he tells Lord Carnarvon that 'plants of slow growth endure the longest, and the final consummation, however devoutly it be wished, can only be brought to wholesome maturity *by the deliberate action of the South African communities themselves.*'¹

This advice was as unpalatable to Lord Carnarvon as was the decision of the Cape Parliament. We must briefly draw attention to the position of this question in England. Lord Carnarvon had been entirely misled by the numerous resolutions of public meetings and by the public prints into supposing that the confederation was acceptable to the majority of the people of South Africa. As a justifi-

¹ *I. P.*, C—1899, p. 83.

cation of his action the blue-books on South Africa teem with the resolutions of public meetings of this character, all organised, as we have seen, from the same office, with their petitions and resolutions written in the same hand¹; otherwise he could not have made the very serious mistake of introducing the confederation question into the Queen's Speech at the end of the session of 1875, nor would Mr. Disraeli himself have made his reference to it at the Guildhall in November of the same year. After taking credit for the establishment of the Canadian Dominion seven years ago, he had said:—

The same spirit animated her Majesty's Ministers at the present moment. There is every prospect that another federation of colonies and states, which will add power to our empire and confer immense advantages on the world in general, will be established in South Africa. These are the acts of a Government which has confidence in the Colonial Empire of Great Britain, and which does not believe—as some few believe—it to be an exhaustive incumbrance on our resources and political life, but feels, on the contrary, that it ought to be, and can be, a source of wealth, power, and glory.

We have already seen that the Canadian confederation was the work and real idea of the Canadians themselves, who had asked for it. The Cape had never asked for it. And we may observe that this question was to be dragged in the train of party triumphs at home—a very dangerous game to play with such interests, and a course which has always been deprecated by all thoughtful men who have considered the relations between the mother country and the colonies, and who have desired their permanence and their being placed in a position to involve no ill-feeling between the two. The Ministry had committed itself to the policy hastily and on insufficient and misleading information. It was natural, then, that the great organs of the press which supported them should desire to override all

¹ See note at end of chapter.

opposition, and should resent any hesitation on the part of the Ministers at the Cape in accepting such a policy.

In the course of the Langalibalele question it has been shown what violent resentment was roused in the Colony by the 'Times' articles, written in that lordly fashion which denies to colonists either the right or the capacity to choose anything different from what they may have had indicated to them from England as being for their welfare. A series of inspired articles now appeared in the various public prints. These journals have no special knowledge of colonial subjects, with which they pretend to deal. They are blind leaders of the blind on all such questions; they voice panic suggestions of the moment when crises arise; and, worse, they frequently voice the views of interested and active cliques who have their own ends to accomplish, and whose object is not the welfare of the whole community.¹

As the 'Times' subsequently confessed on this very subject, in criticising Mr. Lowther's speech on the South Africa Bill:—'Mr. Lowther assumed that the House either possessed an extraordinary intimacy with South African politics or was possessed by a culpable indifference to one of the greatest of Imperial questions. The truth is the House, and, for that matter, the country too, cannot pretend to any intimate knowledge of colonial affairs, and yet it is reasonably disinclined to surrender its right to criticise colonial policy.'

¹ Sir G. C. Lewis had long since pointed out that an appeal to the public of the dominant country was useless:—'Nor are the ignorance and indifference of the dominant country about the concerns of the dependency limited to the supreme government. Hence if any dispute should arise between the dependency and the supreme government, and if the dependency should appeal from the government to the people of the dominant state, it will probably find that it has not appealed to a better informed or more favourable tribunal. On the subject of the dispute the people of the dominant country can scarcely be so well informed as their government; and in any struggle for power between their own country and the dependency they are likely to share all the prejudices of their government and to be equally misled by a love of dominion and by delusive notions of national dignity.'—Lewis, on *Dependencies* (Lucas' edition), p. 248.

When, however, the report of the debate in the Cape Parliament reached England even the 'Times' was somewhat enlightened by a perusal of the proceedings. While supporting Lord Carnarvon's proposals for a Conference, and his action generally, it was bound to confess and admit that 'it is only fair to the Ministry to acknowledge that they have shown considerable skill in the manner in which they have met the emergency, and that they have made the most of what undoubtedly has been a mistake on the part of those who have more especially represented the Imperial policy.' It then analysed the Premier's motion, condemning the agitation, and went on to say: 'It ought, we think, to be admitted that the Colonial Government have some reason to complain on this score, and the mistake of which they had taken advantage ought to afford a salutary lesson for the future.' Speaking of Mr. Froude's action, it admitted that he had used his prospective official authority and his ability to raise—

a popular opposition against the responsible Ministry of the Colony, . . . but it is reasonably inferred that he represented the mind of the Colonial Office, and from this point of view it can hardly be denied that his course was as unconstitutional as if the Governor of the Colony himself had raised a popular agitation against his own Ministers. The Governor may think them utterly mistaken, but he must be content to express his views to them directly, and he must leave it to other parties and other public men to urge his views on the country. The Governor is but the representative of the Imperial Government, and any course incumbent on him is still more incumbent on the Imperial authority itself. Neither Sir Henry Barkly nor Lord Carnarvon, nor Mr. Froude as their representative, had any right to appeal to the people at large against the Ministry, which was supported by the majority of the regular representatives of the people. Mr. Molteno has had the skill to concentrate his opposition against this flagrant error, and if he gain an immediate victory, it will be the fault of those who have gratuitously played into his hands.

Mr. Froude's proceedings had not altogether escaped attention in the Imperial Parliament. Lord Granville, in the House of Lords, referred to Mr. Disraeli's Mansion

House speech and to Lord Carnarvon's action in the matter of South African confederation, taunting his noble friend with 'errors which might have been avoided with a little more communication with the Governor of the Colony and the local authorities.' Lord Carnarvon interjected a remark that he had retracted any words which were offensive, and Earl Granville immediately replied :—

The noble Earl used language which, justly or unjustly, was sure to be irritating to certain persons belonging to the Colonial Government, and there can be no doubt that the noble Earl did afterwards withdraw the names of those particular persons. There is also another point connected with this confederation upon which the Government will be required to give explanations. I should desire to know what is the exact position of a very eminent man of great intellectual power—Mr. Froude—who has been sent to that Colony. We shall also require to know what are the conditions under which he has acted, and whether it is true that *after the noble Earl himself had laid down in the clearest manner the constitutional relations between her Majesty's Government and the Colonial Government*, the delegate, or the commissioner (or whatever post Mr. Froude occupied), absolutely 'stumped' the Colony at meetings of the most hostile character to the existing Government of the Colony. I shall be curious to know whether that conduct has been approved or disapproved by the noble Earl. I do not see why, because a Colony having representative institutions is small, you should not be as punctilious in your relations with it as you would be with the largest of your Colonies.

NOTE.—We have called attention to Lord Carnarvon's improper appeal to the people of the Colony by directing the immediate publication of his despatches, and we shall see how subsequently he referred to the local press for support for his policy. He thus passed by the constitutional channels of communication. The matter is so important that it is desirable to state clearly what the proper constitutional practice is.

The opinion of the people of any country is the opinion of their representatives in the Legislature. The Imperial Government has no right, nor has the High Commissioner, to go behind the opinion of the country or colony as expressed by its Legislature, and has no right to act on any other opinion.

This is really in accordance with common sense, as a moment's reflection will show; but there is ample authority in support of this view.

Todd, in his 'Parliamentary Government,' lays it down distinctly. 'The House of Commons is the legislative organ of the people, whose opinions cannot be constitutionally ascertained except through their representatives in Parliament.' In a debate in the House of Commons in 1841, Sir Robert Peel said, 'It is dangerous to admit any other regular organ of public opinion than the House of Commons.' Mr. Gladstone, in a debate on the Reform Bill of 1867, said, 'I am not a lover of circumstances by which the business of governing this country is taken from within the walls of this House and transferred to places beyond.'

Lord Carnarvon had curiously enough enunciated very clearly the correct view in the case of Canadian confederation. 'The wishes of the colonists are likely to be more faithfully and effectively brought before the Home Government by the local Ministers who are in immediate contact with the communities they represent, and through the Governor who is responsible to her Majesty for furnishing all requisite information, than by persons acting in pursuance of their own views.' You have a Governor in a Colony and a Ministry, and it is not proper to go to third persons. We have already given Lord Carnarvon's own authority for the statement that the Imperial Government has undertaken to communicate with a colony possessing responsible government only through its properly constituted authorities. (See vol. i. p. 878, *supra*. See also p. 124, *infra*, for a similar statement of Lord Carnarvon.) When the attempt was made in the case of Queensland to follow the advice of non-representative parties, the Government of the Colony framed a memorandum in which the following occurs: 'Considerable dissatisfaction has for some years been caused by the mischievous interference of pretended representatives of the colonies in England, and ask that in future no statement made at Downing Street by persons not formally and officially accredited by the Government of the Colony may be permitted to influence her Majesty's advisers.' We may further recall Lord Blachford's condemnation of a policy which forms a British faction in a Colony by means of the partisan action of the Secretary of State against local Ministers, or by similar action on the part of the Governor or High Commissioner. (*Supra*, vol. i. p. 416.)

CHAPTER XVII

LORD CARNARVON'S DESPACHES. 1875-76

Lord Carnarvon attempts to turn out the Ministry—Directs a Dissolution—Sir Henry Barkly's reasons against—Reception of Despatch at the Cape—Improper treatment of Mr. Molteno—Lord Blachford's views—Lord Carnarvon's criticism on the Debates—Ministers' Reply—They vindicate Self-government—Precedents in other Colonies—Lord Carnarvon adopts Froude's proceedings—Ministers' reply—Debate in the Imperial Parliament—Results of similar Policy in the West Indies.

LORD CARNARVON having committed himself and Mr. Disraeli's Government to the confederation policy, meant to brook no opposition from a Colony which only a few years previous had to accept his rulings almost without question. In these distant parts of the empire constitutional procedure meant, in his view, delay to Imperial projects, and therefore need not be followed. The Minister who would not obey him must be displaced. Intrigue had been employed but with no success. He was to resort later, through Sir Bartle Frere, to the high-handed proceeding of dismissing this Minister who possessed the confidence of the Legislature.

The despatch of the 22nd of October,¹ to which we have referred, was written by Lord Carnarvon in the evident anticipation that the Parliament would immediately turn out the Ministry. He expressed his personal gratification with the accounts which had reached him 'principally through the reports of the local press,' evincing the deep interest which was felt throughout the Colony in the proposals for a Conference, thus continuing to ignore the constitutional

¹ I. P., C—1899, p. 26.

channels of information, deliberately setting aside the principles which he had laid down himself, to the effect that any information from the colonies to the Imperial Government should come through the Governor, and he went on to say :

that the remarkable expression of feeling which had thus been elicited may be considered to have by this time sufficiently attained its object, and it may now be convenient to bring to its legitimate conclusion an agitation which cannot with advantage be indefinitely prolonged.

This was to admit fully the authorship and approve the mode in which this agitation had been conducted.

He approved of the summoning of Parliament, and added that he 'has no personal feeling in the matter in regard to its effect upon local parties,' and that he 'cannot suppose that Parliament will fail to be in accord with the opinion of the country.' He thus accepted with a lordly complacency the hoped for disappearance of Mr. Molteno's Ministry ; but to make this event absolutely certain, he continued :—

If, however, from any cause there should appear to be a divergence between the decision of Parliament and the wishes of the community on a question of so great public importance, you will not need to be reminded by me that the true constitutional course, whenever it can properly be taken, will be to dissolve the Parliament and to remit the question to the final and supreme decision of the constituencies.¹

What did Lord Carnarvon mean by 'the subjects which principally occupied the attention of the country, and for which Parliament was called together,' and by 'the probable decision of Parliament as affecting local parties,' and by his supposition that Parliament would not fail to be in accord with the opinion of the country? The only question before it was whether Mr. Froude was right in his condemnation of the Parliament and Ministry, and whether his object in turning

¹ *I. P.*, C—1899, p. 27.

out the latter should succeed. If it be answered that it was the conduct of the Ministry in refusing to go into the Conference, then the reply is that Lord Carnarvon in this very despatch says that he thinks that Conference no longer necessary, though he may suggest another one. The only conclusion we can draw is that Lord Carnarvon looked to the overthrow of the Ministry as the special object of the assembling of Parliament, and as a vote of confidence by implication in himself and his agent; in the event of this not being done Sir Henry Barkly was directed to dissolve the Parliament and appeal to the country.

It was evident that Lord Carnarvon, finding himself so strongly supported by the press which he thought to be equivalent to the country, had felt it safe to show more of his hand, and that the Conference summoned in London was for no other purpose than to bring its members within range of those potential influences which are so largely at the command of the Imperial Government.

Was it constitutional to hold a threat of dissolution over the Cape Parliament unless it immediately adopted Lord Carnarvon's policy? At the time this despatch raised a violent protest from the press; the 'Argus' called it 'the most marvellous despatch ever sent by a responsible Minister of the Crown in England to a constitutional representative of her Majesty's in any British colony endowed with free representative institutions,' and further, 'anything so monstrous was never attempted by a constitutional responsible Minister of the British Crown before.' It was true Mr. Froude had frequently said to many persons, and in many places, that 'if the Parliament opposes us we shall compel Governor Barkly to dissolve,' but this statement was looked upon as another of his astounding and indiscreet utterances; it now appeared that he had inveigled Lord Carnarvon into adopting it seriously.

Condemnation of this despatch was not confined to the

press which supported Mr. Molteno, the 'Grahamstown Journal,' an out-and-out Confederationist, said of it :—

A more inopportune document it has seldom been our lot to read—what are we to understand by the despatch? The first three sections are probably clear enough, though we very much doubt the expediency of an Imperial Secretary of State prospectively dictating dissolution upon the Governor of a Colony possessed of responsible government. The 'Journal' has said that such a dissolution should take place, that it was meet and right for the inhabitants of the Colony to do so, but it would be time enough for a Secretary of State to administer his lecture when a Governor had failed in this duty. A Secretary of State 6,000 miles off has no right repeatedly to assume because he has read the 'Journal' and other newspapers, that the feeling of the country is against the Ministry for the time being. Technically, the country is represented by any Ministry in office, and ordinary *esprit de corps* would have guided the Earl aright if he had been discussing the question of a difference in which he had no special personal interest. . . .

The only way to carry out Lord Carnarvon's original views, in which most of us are so earnestly interested, is to disown all connection with certain points in his Lordship's latest despatch. We, his followers, must disagree with him as to the non-necessity of the Conference, and by so doing endeavour to seal the fate of the Ministry, and we must disown all intention to submit our affairs to a Conference in London!

The 'Volksblad', the leading Dutch paper at the other extremity of the Colony, and a strong supporter of the Conference, took this view also. Lord Carnarvon's despatch must be ignored by his supporters, and 'just at present we want no meeting in England, nor any basis of confederation.'

The unfortunate Conference party were utterly dumb-founded. Mr. Froude and his men endeavoured to say that the interpretation put upon Lord Carnarvon's message by Mr. Solomon and Mr. Molteno was not a fair one, and not a legitimate inference from the wording of the despatch. As we see from the views expressed above, Lord Carnarvon's strongest supporters took exactly the same view as did Mr. Solomon and Mr. Molteno. It is interesting to observe that

Lord Carnarvon, when he learned the effects of his despatch at the Cape, then turned round and said that he had never intended to withdraw the Conference, but had only suggested its meeting in England !

The position contemplated by Lord Carnarvon had now arisen. Parliament had refused to turn out Mr. Molteno. Happily for Lord Carnarvon, the man on the spot—the High Commissioner—had a better knowledge of the facts and a wiser discretion. In a despatch to the Secretary of State for the Colonies he entered upon a consideration of the question as to whether the dissolution suggested by Lord Carnarvon was ‘constitutionally practicable.’ Fortunately for the empire, Lord Carnarvon’s despatch was received by a man whose experience of the working of the representative institutions granted to the colonies was unrivalled.

He had initiated responsible government in Victoria ; he had himself been a member of the House of Commons, and thus possessed an advantage denied to Lord Carnarvon himself. He at once saw the impossibility of carrying out the instructions for a dissolution, and did not hesitate to point it out. He showed that the decision of the Lower House was in striking contrast with the burden of the petitions presented to it, and with the resolution of the Legislative Council ; and that it was by no means certain that the agitation which had taken place, and the expressions of opinion, did really represent the feeling of the country.

He pointed out that the result of a general election must be looked upon as uncertain, and depending mainly on the latent political feelings which might be evolved at any particular crisis ; and he drew conclusions to the effect that—

these feelings would, judging from past experience, be readily fanned into flame by so high-handed an exercise of the prerogative of the Crown, as any attempt to turn out a Ministry with a large and increasing majority for the purpose of dissolving Parliament

on a question of Imperial policy would be held to constitute, and that the result might prove disastrous ;

and that though there was a divergence of opinion between the Upper and Lower Houses, yet upon any general election the Upper House would now be elected on the seven circles system, which would bring it into harmony with the Lower House. From considerations such as these he believed that Lord Carnarvon would recognise that this was not one of those occasions on which the course of appealing to the constituencies could be properly taken ; and Mr. Froude himself had come to the conclusion on wholly independent grounds ' that such an appeal at the present moment would in all probability raise a false issue, the result of which might be the indefinite postponement of any Conference.' Under these circumstances the Governor awaited further instructions from Lord Carnarvon.¹

Apart from the unconstitutional character of the course directed by Lord Carnarvon, what are we to say of the wisdom and justice of the Home Government in proceeding in this way against Mr. Molteno? Had he not assisted it most materially in persuading the Colony to decide upon accepting responsible government, thereby relieving it of a serious difficulty? Had he not taken upon the Colony the burden of its own defence? Had he not restored order to its finances? Under his administration the Colony had been raised from a position of extreme depression to one of great prosperity. Its conservative inhabitants, owing to their confidence in Mr. Molteno's judgment, had undertaken enormous public works. On these public grounds, then, Mr. Molteno was entitled to the grateful support of the Home Government, to whom the Cape had hitherto always been a source of anxiety and difficulty.

But upon Lord Carnarvon himself Mr. Molteno had a

¹ I. P., C—1899, pp. 52 and 53.

high claim to consideration in that when he was in difficulties over the Langalibalele affair, and appealed to Mr. Molteno to assist him, the former did so at the risk of his political existence. What return does Lord Carnarvon make? He replies by sending out Mr. Froude to upset Mr. Molteno. With Mr. Froude he intrigues with Mr. Paterson, a member of the Opposition. Mr. Froude publicly stated at Port Elizabeth that he had a majority in the Cape Parliament, and meant to supersede Mr. Molteno by Mr. Paterson. Lord Carnarvon, believing Mr. Froude has this majority, tells the Governor that if the Parliament does not immediately turn Mr. Molteno out on its assembling, he must give him the *coup de grâce* by a dissolution on the question. Lord Carnarvon's purposes were defeated by the Colonial Parliament, but he never desisted from his intrigues with Mr. Paterson until the latter's death, nor did he desist from his attempts to dislodge Mr. Molteno; and eventually, as we shall see, he sent out Sir Bartle Frere to strain the royal prerogative, and dismiss him from office.

The instructions for which Sir Henry Barkly waited came in the shape of a despatch, in which Lord Carnarvon stated: 'he was disposed to think that a dissolution of Parliament is not necessary at the present moment to bring the Legislature and constituencies into accord; and if not necessary, then undesirable.' But he added: 'There being, of course, no sufficient ground on which Mr. Molteno would recommend to you such a step, you will be pleased to understand that with regard to any observations on this subject in my despatch of the 22nd of October, you are relieved from the necessity of considering them.'¹ We must draw attention to the disingenuous character of this latter statement. Lord Carnarvon had directed the Governor to dissolve the Parliament—to turn Mr. Molteno out: yet now he sees he was wrong, and, to save appearances with those who did not

¹ I. P., C—1399, p. 53.

know the circumstances, he pretended that he had suggested a dissolution by the Governor only on Mr. Molteno's recommending it to him.

It might have proved (says Lord Blachford) rather unfortunate that about this time Lord Carnarvon recommended the Governor to dissolve the Parliament if he had reason to think that it did not represent the wishes of the people. If this had been done on the back of Mr. Froude's agitation (which it was not), a rhetorical reviewer of different politics might plausibly have denounced it hereafter as a dissolution unconstitutionally dictated by the Secretary of State in the crisis of an excitement unconstitutionally got up by his agents, and in that view 'perhaps the most discreditable violation of the guaranteed rights of a free colony which is recorded in British colonial history.'¹

If this be said of a dissolution of Parliament, what are we to say of Sir Bartle Frere's action in dismissing a Ministry possessing the full confidence of Parliament, and carrying on a war by his nominees, whom he supported with all the prestige and patronage of his position of an Imperial Governor and High Commissioner?

Lord Carnarvon wisely climbed down from a position which, had it been maintained, must have led to very serious consequences. Had he deferred with equal wisdom to local opinion upon the whole subject of confederation, it would have saved himself, the Empire, and South Africa endless loss and suffering.

On the first receipt of Mr. Molteno's notice of motion in the House, Lord Carnarvon wrote to the Governor that he would wait to receive the report of the debate before he expressed any opinion upon the motion, but he was inclined to take exception to its terminology.² On discovering that his expectation that Mr. Molteno would be ejected by the Parliament was falsified by the result, and that Mr. Molteno was fully supported by the Cape Parliament, he indulged his feelings

¹ *Edinburgh Review*, February 1876, p. 91.

² *I. P.*, C—1899, p. 40.

in a despatch to the Governor. In his despatch of the 22nd October, it was clear that his reference to a dissolution of the Parliament if it supported Mr. Molteno showed that he no longer expected to co-operate with the latter, and that course having failed, he could only indulge in an attack upon him personally. Sir Henry Barkly wrote, on receipt of the despatch which now followed, that he was disappointed that Lord Carnarvon had felt it impossible to adopt his suggestion of endeavouring to conciliate Mr. Molteno, 'by far the most influential politician in South Africa.'

When he saw Mr. Molteno after he had read this despatch it was evident all chance of that was at an end. Lord Carnarvon had based his observations upon the original form of the motion of which Mr. Molteno had given notice, which charged the Imperial Government with creating an agitation, but which was modified before discussion, so as to run 'in the name of the Imperial Government':—

I will, therefore, say little more than that I greatly regret that a gentleman holding the Queen's commission as the leader of the Government in a very important Colony, should have so imperfectly comprehended the nature and obligations of his position as to feel able to subscribe his name to a resolution reflecting so seriously on the servants of the Queen in this country, and charging them with conduct which, if it could be substantiated, would make them in my opinion unworthy of advising the Crown on this or any other subject.

I am aware of Mr. Molteno's ability, and of the position which he holds in the estimation of his fellow-subjects in the Cape Colony, and I think it can only have been from a failure to understand the relations which must, both in language and in practice, subsist between the Imperial Government and the officers of a colonial government, that he overlooked the fact that the terms of his motion were such as are, to the best of my belief, without parallel or precedent, even in cases which have been far more open to controversy than this can be said to be, and for obvious reasons are not adopted by persons continuing to hold office in colonies under the representatives of the Queen.¹

¹ *I. P.*, C—1899, p. 87.

To this the Ministers replied as follows :—

Ministers have had under consideration the despatch from the Right Honourable the Secretary of State for the Colonies, dated 24th January last, on the subject of the proceedings of Mr. Froude in this Colony, and the subsequent debate in the Colonial Parliament on the proposals of Lord Carnarvon.

The important constitutional issues raised in the first part of the despatch in question will, it is trusted, be their excuse for entering on the discussion of topics of a delicate nature, but upon which they conceive that their duty to the Colony demands that they should give a decided opinion.

They approach the subject in no spirit of controversy, but with an earnest desire that a clear understanding should be arrived at on points which lie at the root of those constitutional privileges with which it has pleased her gracious Majesty to invest the Parliament and people of this Colony.

Paragraphs 4, 5, and 6 of the despatch reflect on the form of a motion which Mr. Molteno felt it his duty to submit to the Colonial Parliament in the recent session, on the ground that the said motion expresses in an unbecoming manner an opinion adverse to, and reflecting on, the acts and policy of the present Secretary of State for the Colonies.

To the justice of this censure Ministers feel it impossible to subscribe. *They would respectfully submit that they, as well as the Right Honourable the Secretary of State for the Colonies, are servants of her Majesty, bound to give advice to her Majesty's representative in this Colony on all subjects connected with the Colony, without fear, favour, or prejudice, even where such advice may be inconsistent with the opinions of her Majesty's advisers in Great Britain.*

Under the constitution which has been conferred on this Colony, Ministers are not only the servants of the Crown, but they are the lawful representatives of the people of the Colony, and the appointed guardians of the rights conferred by that constitution, which rights they understand to be a freedom to manage their own affairs, subject in certain matters to the interests and general legislation of the Imperial Government. They conceive that it is their bounden duty when those rights are interfered with, by whoever it may be, to bring it to the notice of the Parliament of the Colony, and to enter a solemn protest against the infringement.

Acting in this spirit, they felt constrained to place on record their opinion that the presence in this Colony of a gentleman, acting under secret instructions from the Right Honourable the Secretary of State for the Colonies, speaking in the name of the

Imperial Government, writing letters conveying the thanks of her Majesty's Government to the political opponents of the legally constituted Government in the Colony, and armed with the prestige conferred upon him by his apparently official status, denouncing the conduct of the Ministry at public meetings, was incompatible with the successful administration of the form of government conferred by the constitution, detrimental to the peace and well-being of the Colony, and, in the words of the despatch under consideration, without parallel or precedent in the history of colonies possessing responsible government.¹

This view is surely the only view compatible with responsible government, and is to-day become recognised without question throughout the Colonial Empire, in large measure, no doubt, through this protest by Mr. Molteno. It has the support both of authority and practice in the relations between the Imperial Government and the Colonies. Lord Kimberley, as Secretary of State for the Colonies, in addressing Sir G. Strahan, Governor of the Cape, on the 14th of October, 1880, upon the subject of the relations between the Imperial Government and the Colonial Ministry, uses words almost identical with those above quoted :—

Colonial Ministers are bound to give such advice to the representative of the Crown as they believe to be most for the interests of the Colony; and although her Majesty's Government may differ from them in opinion, and regret the course which may have been taken, it is not their province to call to account the Colonial Ministers for the advice which they may have deemed it their duty to give upon affairs which are placed under their control, and for which they, and not her Majesty's Government, are responsible.²

Nor are the words of the minute those of men who seek to fasten a quarrel upon the Home Government. It was none of their seeking; they asked only to be left in peace to pursue the arduous work, which their position as the first Ministry under responsible government entailed upon them, duties which they had discharged with acknowledged success where they had been so left to themselves. They were

¹ *I. P.*, C—1681, p. 12.

² *I. P.*, C—2740, p. 84.

spoken because they were necessary for the preservation of those principles of self-government accorded to the Cape so recently, and which had been equally accorded to the colonies of Canada and Australia. Englishmen at the Cape were no whit inferior to Englishmen in other parts of the world in public spirit, and in the fulfilment and vindication of the public trust reposed upon them.

From another point of view, it is of the utmost importance to the empire that the system of responsible government should be a reality and not a sham. Looking to the vastness of the empire, it is impossible for any set of statesmen at home to cope with the government of the whole empire. Our only hope is that each separate part of the empire will learn to manage its own affairs, leaving only the large questions of general policy, and particularly foreign relations, to the care of statesmen at home. It is a most necessary and vital division of labour; if the empire is to exist as the complicated congeries of states, which it now is, it must exhibit that higher type where specialisation of organs and their functions go hand in hand with their higher integration.

But more than this. The Government of a great empire from one centre has never really been carried out in history, and it is not actually possible. The attempt affords an opportunity for a vast system of intrigue and corruption, which has in past times destroyed great empires. When we look at Rome, with whose empire ours is now comparable, we see this most clearly exemplified. The effete condition of the neighbouring peoples led to an extension of Roman rule, which was forced on that mighty nation against their will. They at first endeavoured to support the Greeks as a series of independent states; but the exhausted condition of this once great people was such as to defeat the attempt.¹

¹ See Mahaffy's Introduction to Duruy's *History of Greece*, p. 102; and cf. p. 51 of the same work.

Factions fought each other until the Pax Romana was forcibly established. It was the same with other neighbours. The circle of empire thus rapidly widened. The result to Rome was the fatal miscarriage of the reforms which had been attempted by the Gracchi, and were necessary to the freedom and even the life of the Roman people. A terrible system of corruption ensued. The factions in the outlying portions of the empire purchased the support of the senators by enormous bribes,¹ the result being misgovernment in the part affected, and the deterioration of the character and patriotism of the senate, while the exploitation of the new possessions brought enormous wealth to individuals, as in the case of Crassus.²

We see a striking resemblance to this condition of Rome in the tendencies of the moment in the British empire, arising from the enormous extension of British rule to vast areas of the earth's surface. These extensions cannot be immediately assimilated. They necessitate large armaments for their defence, bringing us in contact as they do with all the other powers. The consequences of this state of affairs appear to be analogous to those which ensued on similar conditions in Rome. Internal development is checked. Where are the great principles of peace, retrenchment, and reform to-day? And the analogy proceeds still further. Have we not recently seen the vast wealth acquired in the exploitation of the possessions of the empire used to influence the Imperial Parliament for the purpose of a powerful party in a distant dependency? Have we not seen eighty votes,

¹ See Mommsen's *History of Rome* (new edition), vol. iii. pp. 298, 294; for the further effect of permission to capitalists to exploit the subjects of the empire, see vol. iii. p. 381.

² Speaking of Crassus, Mommsen says, 'Half the senate was in debt to him; his habit of advancing to "friends" money without interest, revocable at pleasure, rendered a number of influential men dependent on him, and the more so that, like a genuine man of business, he made no distinction among the parties, maintained connections on all hands, and readily lent to every one who was able to pay or otherwise useful.'—Mommsen's *History of Rome* (new edition), vol. iv. p. 277.

more or less, in the House of Commons subjected to the influence of one individual for several sessions by the gift of 10,000*l.* for the objects dear to those members? Have we not seen large emoluments and positions of profit placed in the hands of members of both Houses of Parliament by the same individual? May not the influence thus acquired and wielded be used for the purposes of a party in a distant country, of whose conditions and requirements the public here are necessarily ignorant? Have we not seen a portion of the empire, and the administration of British subjects, handed over to private individuals for the purposes of gain? ¹

Is it not clear, then, that if the empire is to avoid the fate of Rome, it must develop the principles of responsible government to their utmost limit, making each portion of the empire autonomous to the extent of being free from disastrous interference from a distant centre. Such interference is too often dictated by the interested advice of party schemers for their own ends, and made possible by the general ignorance of the public on the questions involved and the interests at stake, the relationship, thus constituted, being one full of menace alike to the mother land and to the dependency.

To return to our immediate subject. Let us see what precedent and authority have to say upon the question. Taking the action of other colonies on similar points, Mr. Molteno in his speech had referred to the resolutions of the Parliament of the Colony of Victoria. They were passed by a very large majority—forty to eighteen—in committee of the whole House, and they were afterwards agreed to by the whole House of Assembly without any division at all. They ran thus :—

That the official communication of advice, suggestions, or instructions by the Secretary of State for the Colonies to her

¹ This is really what was done when the charter was given to the British South Africa Company. Compare with this the same result in Rome. Momm-
sen, vol. iii. pp. 294, 381.

Majesty's representatives in Victoria, on any subject whatsoever connected with the administration of the local government, except the giving or withholding of the royal assent to, or the reservation of, Bills passed by the two Houses of the Victorian Parliament, is a practice not sanctioned by law, derogatory to the independence of the Queen's representatives, and a violation both of the principles of the system of responsible government and constitutional rights of the people of this Colony. That the Legislative Assembly will support her Majesty's Ministers for Victoria in any measure that may be necessary for the purpose of securing the reunion of the exclusive right of her Majesty, the Legislative Council, and Legislative Assembly to make laws in and for Victoria in all cases whatsoever, and put an early and final stop to the unlawful interference of the Imperial Government in the domestic affairs of this Colony.

That goes far beyond anything the Cape Ministry had done. They asserted that the Governor must receive advice through the responsible Ministers, and authority supports their view that this is the principle upon which responsible government should be carried on.

The Legislature of the Colony of Prince Edward's Island, not a large colony like Victoria, in an address to the Queen relative to confederation, passed this resolution in the year 1866:—

We do not deem it inconsistent with the most devoted and loyal attachment to your Majesty's person and Government to declare our firm conviction that in deliberating upon a question so seriously affecting the liberty, happiness, and prosperity of the inhabitants of this Colony, we ought to be guided mainly by the well-understood wishes of the people whom we represent, even should their wishes unfortunately conflict, as in the present instance, with the declared policy of your Majesty's Government for the time being, the inhabitants of this Colony being in our opinion fully competent to decide upon so vital a question as the constitution of the country in which their lot has been cast, and the means best adopted to promote and perpetuate the stability and prosperity of that country.

We may also quote a Minute of the Canadian Ministry. In 1859 the Duke of Newcastle merely threw out a sugges-

tion that the Home Ministry might have been induced to disallow the Customs Tariff Bill which had passed the Legislature. The Canadian Ministry took fire at the bare hint:—

The Provincial Ministry are at all times ready to afford explanations in regard to the acts of the Legislature to which they are a party, but subject to their duty and allegiance to your Majesty, their responsibility in all general questions of policy must be left to the Provincial Parliament, by whose confidence they administer the affairs of the country. . . . *Self-government would be utterly annihilated if the views of the Imperial Government were to be preferred to those of the people of Canada.* It is therefore the duty of the present Government distinctly to affirm the right of the Canadian Legislature to adjust the taxation of the people in the way they deem best, even if it should unfortunately happen to meet the disapproval of the Imperial Ministry. Her Majesty cannot be advised to disallow such acts, unless her advisers are prepared to assume the administration of the Colony irrespective of the views of its inhabitants. . . . The Provincial Government believes that his Grace must share their own convictions on this important subject, but as serious evils would have resulted had his Grace taken a different course, it is wiser to prevent future complication by distinctly stating the position that must be maintained by every Canadian Administration.

We draw particular attention to this resolution, which avers that self-government would be utterly impracticable if the views of the Imperial Government were to be preferred to those of the people of Canada.¹

Sir Charles Adderley, who had been Under-Secretary of State for the Colonies under Lord Carnarvon himself, writing in 1869, says:—‘With neither form of colonial government does the Imperial Parliament ever interfere unless in extraordinary matters of general concern, and then only in the case of constitutional colonies, because the colonies cannot unite with it any sort of congress, and general interests cannot be

¹ With these precedents may be usefully compared Mill on *Representative Government*, p. 181 (People’s edition), and Erskine May, *Constitutional History*.

discussed in separate assemblies, and in the case of Crown colonies, because Parliament will always control the actions of the Sovereign in matters however remotely involving its own supplies.' And again :— ' There need be no fear of causing separation by coming to a clear understanding of our true relations ; far greater fear should attach to any assumption of false relations which the day of trial will prove treacherous, and which the very pretence will have rendered worse than treacherous by having superseded necessary preparation.'¹

Yet even if this country bred Solons for its ministers it is nevertheless true of free communities as of individuals that they must earn, not take, experience. Even if our colonies pass laws for themselves which seem unwise to us or hurtful to ourselves, so that they infringe not the common weal, it cannot be helped. This freedom is necessary for the exercise of their constitutional powers. The alternative is that they should cease to be Englishmen. ' Subordinate governments must indeed submit ultimately to a supreme assertion of general interests rarely exercised, but this subordination must not be at *the sacrifice of the ordinary constitution*, but is solely conceded for the sake of its integrity to extreme imperial necessity.'²

So long ago as 1841 Sir George Cornwall Lewis wrote :—

If a dominant country grants to a dependency popular institutions and professes to allow it to exercise self-government without being prepared to treat it as virtually independent, the dominant country by such conduct only mocks its dependency with the semblance of political institutions without their reality. It is no genuine concession to grant to a dependency the names and forms and machinery of popular institutions unless the dominant country will permit those institutions to bear the meaning which they possess in an independent community, nor do such apparent concessions produce any benefit to the dependency, but, on the contrary, may sow the seeds of political dissensions, and perhaps of insurrections and of wars which would not otherwise arise.³

¹ *The Colonial Policy of Lord John Russell's Administration*, pp. 375–377.

² *Ibid.* p. 190.

³ Lewis on *Dependencies*, p. 307.

Mr. Lucas follows Sir George C. Lewis, and says :— ' The grant of self-govern-

Mr. Molteno's Minute embodying his answer to Lord Carnarvon was adopted by the Cape Parliament at its next meeting. We are reminded of Sir C. Adderley's words:— 'The normal current of colonial history is the perpetual assertion of the right to self-government.' Lord Carnarvon had omitted his usual formula directing the immediate publication of this despatch, but Mr. Molteno supplied the deficiency. On its becoming public it was felt to be—

Lord Carnarvon himself who had imperfectly comprehended the nature and obligations of his position, and not Mr. Molteno. The noble Earl ought to know there are Englishmen elsewhere than in England, and that Mr. Molteno is one of them. Whilst such men are loyal to the land of their birth, they are no less loyal to the land of their adoption, and if entrusted with the confidence of their fellow-colonists with high public trusts, they are neither to be cajoled nor bullied into doing anything contrary to their conscience. Mr. Froude did not succeed in driving Mr. Molteno from office by his campaign through this Colony. Lord Carnarvon will not drive him from office by censures from Downing Street based upon imaginary facts. The Premier of the Colony is in office because, whatever his faults may be, the people here know he will not betray them, and as long as they have that conviction Mr. Molteno can afford to look on the censures of the noble Earl as he did on the sneers of an eminent historian.¹

Lord Carnarvon replied to the protest of the Cape Ministry against Mr. Froude's proceedings by fully adopting them all:—

He has possessed from first to last my full confidence, accorded to him no less on account of his high character and ability than because of the unhesitating earnestness with which he has contended for the promotion of South African interests, and his general concurrence in my view of the manner in which those interests could best be advanced, and whilst unfettered in the exercise of his own discretion as to the event of the moment, with

ment means the grant of virtual independence' (preface, p. xxiii.). Also, 'The gift of responsible government was except in matters of foreign policy full and unfettered.' See also pp. xlii. and xliii., where he shows that the self-governing colonies are no longer dependencies but protected states whose foreign policy only is controlled by the Imperial Government.

¹ *Argus*.

regard to which it is obvious that I could not give, and for which I purposely abstained from giving, detailed instructions, he has been able to explain the general tenour of my wishes and objects with an eloquence and fulness and ability to which hereafter, if not now, full credit, I am convinced, will be given. And now that this visit has terminated I gladly take this opportunity to express my recognition of the great and lasting benefit which he has conferred upon South Africa by his untiring energy, by the high qualities which he has brought to bear on the particular question of the time, and the circumstances of peculiar difficulty, and by the clear and forcible manner in which on many occasions he has inculcated a policy and principles not unnaturally lost sight of by many under the more immediate pressure of local questions. And if, indeed, he has been misunderstood and misrepresented in some quarters, I trust that he will have been well rewarded by the knowledge that he was taking part in no common or insignificant question, and by the consciousness of having done his utmost to render those measures in which he has been engaged really beneficial to all concerned in them, of whatever nationality or race.

Nor ought I here to be silent on another point which, as I am aware, has excited some attention. During the course of local discussion, every kind of position, duty, and function has been attributed to Mr. Froude, motives have been freely imagined, and many suppositions have been entertained which a little inquiry would have easily removed. It might, however, have been known by anyone who cared to ascertain the fact, that Mr. Froude has acted in no capacity beyond that already indicated, and has received, in the strict sense of the word, no official instructions, and further that no formal correspondence has passed between him and this department; for this reason, because I felt that all such correspondence ought to pass through you as the representative of the Crown, and as the legitimate adviser of her Majesty's Government. I have, therefore, throughout the discussion of this question addressed my despatches solely to you, with a request that you would communicate them to Mr. Froude as well as to your Ministers.¹

We have already drawn attention to the serious consequences to the Imperial Government from its adoption of Mr. Froude's statement and actions. When Lord Carnarvon says that it might 'have been known to anyone who cared to ascertain the fact that Mr. Froude has acted in no capacity

¹ *I. P.*, C—1399, p. 89.

beyond that already indicated,' what did he mean? Sir Henry Barkly had written on the 25th of June, 1875, to Lord Carnarvon, stating that Mr. Froude claimed to be the direct exponent of Lord Carnarvon's views, while on the 14th of September the Ministry officially complained of the position which Mr. Froude had assumed. Yet Lord Carnarvon did not reply to either of these complaints, and on the 10th of October the Governor had written to Mr. Molteno to inform him that Mr. Froude had demanded in an 'official' note that he should be treated as an agent of the Imperial Government. So that Lord Carnarvon had not, though appealed to, told the Governor or Ministry what Mr. Froude's position was.

So much for the subterfuges which an Imperial Secretary of State thought it necessary and desirable to pursue. We cannot wonder that England and South Africa have suffered bitterly for such conduct. With regard to Mr. Froude having received in the strict sense of the word '*no official instructions*,' and '*no official correspondence*,' we have already seen that the most important events were known to him before the High Commissioner himself was informed of them. We have his own statement as to the possession of discretion to delay the Conference. We find him writing to the Governor officially as 'Agent of the Imperial Government.' His expenses were paid by the Imperial Government.¹ The formal and non-confidential correspondence was addressed to the Governor of the Cape, but the informal and confidential was sent to his agent, who had, 'in the strict sense of the word, no official instructions.' Was not this a paltry quibble utterly unworthy of any statesman holding the high office of Secretary of State for the Colonies, under which Lord Carnarvon endeavoured to back out of official responsibility for passing by the legitimate adviser of her Majesty's Government in South Africa? It is little to be

¹ See p. 61, *infra*.

wondered at that Mr. Molteno was thoroughly disgusted and discouraged.

Finally, when Lord Carnarvon and his agents were being accused, he constituted himself the judge and acquitted the prisoners, being—

fully satisfied that no unconstitutional agitation has been carried on within the Cape Colony, I cannot but express my regret that expressions, which although indirectly implied such a fact, were retained in the amendment adopted by the Assembly on the motion of Mr. Solomon. They are not consistent with the facts of the case, nor, as far as I understand the debate, with the general spirit in which this amendment was moved.

This was like many other of Lord Carnarvon's despatches, written for home consumption, where the facts were not known. To this portion of it Mr. Molteno replied as follows:—

Ministers regret to learn that the proceedings of Mr. Froude meet with the approval of the Right Honourable the Secretary of State for the Colonies, for they feel bound to place on record their opinion that such proceedings are subversive of the principles of responsible government, and incompatible with the constitutional privileges which have been so graciously bestowed on this Colony.

The result of Mr. Froude's utterances in the former case has been to set on foot in certain quarters an agitation for division which is, Ministers feel assured, most distasteful to the Colony at large, and which has renewed a strife which it was hoped had been set at rest; while, with regard to the native policy, the crude and impracticable ideas of Mr. Froude, as expressed by himself, have led some to entertain the opinion that the Imperial Government are prepared to inaugurate a system which will be retrograding from the principles which have hitherto been acted on by the Government and Legislature of this Colony; and Ministers cannot but regret that the Right Honourable the Secretary of State should, even by implication, have given the weight of his approval to the policy and principles inculcated by Mr. Froude.

On these and other subjects Ministers have had the honour of submitting their opinion in Minutes from time to time addressed to his Excellency the Governor; and, without asserting that the system of management of natives adopted by the Cape Parliament

is incapable of improvement, they respectfully submit that advancement in this direction must be looked for in the gradual development of the same principles which have hitherto guided colonial legislation in such matters, and that the introduction of violent changes based on theory will, in all probability, have a most prejudicial effect on the safety of the Colony, and lead to disastrous consequences.¹

Lord Carnarvon made no attempt to answer this ministerial Minute, but contented himself with transmitting to the Governor Mr. Froude's observations upon the portion of it which reflected upon that gentleman's conduct. And it is significant that in introducing the South Africa Bill into the House of Commons Mr. James Lowther, the Under-Secretary of State for the Colonies, made use of the following language:—

When the vote for 1,000*l.* for Mr. Froude's travelling expenses was moved silence reigned supreme. It would be unbecoming in him, nor did he feel called upon to justify the whole of Mr. Froude's proceedings to the House. While that gentleman had rendered most valuable services to the Colonial Office and to the country, and while he had most efficiently performed a patriotic and thankless task, he (Mr. Lowther) could not accept the obligation of accounting for all the proceedings of the eminent man during his absence from this country. Mr. Froude was in no sense a representative of her Majesty in South Africa. He was not a governor, but was employed in a special service without remuneration, and the Colonial Office were not therefore called upon to be responsible for all his movements. While Mr. Froude was no doubt performing great public services, he was quite as much justified in attending a dinner at Port Elizabeth as he would have been at home in attending a public meeting at St. James's Hall.

At the same time Mr. Lowther presumed to such an extent upon the ignorance of the questions involved as to say, in regard to Lord Carnarvon's action, that Lord Carnarvon had not pressed the policy of confederation upon

¹ *I. P.*, C—1631, p. 13. A warning most amply fulfilled when Sir B. Frere attempted to destroy the native chiefs of South Africa and disarm their subjects.

South Africa: 'The Council of Natal passed a resolution endorsing the principle of confederation. The Legislative Council of another colony passed a similar resolution. Therefore, so far from this policy originating in the Colonial Office, it was evident that it originated in the colonies themselves.' This statement of Mr. Lowther's was not allowed to pass unchallenged, and Mr. Courtney pointed out that Mr. Froude had been called by Lord Carnarvon himself 'the representative of this country in the Conference,' he challenged Mr. Lowther's statement that the movement had originated in the Colony, and showed how the resolutions of the councils of Griqualand West and Natal were those of Crown colonies, and therefore to cite them was misleading the House, while the Cape Parliament, the only free parliament in South Africa, had rejected it by a majority of 36 to 22.

Mr. Froude is about to vanish from these pages, but it is impossible to take leave of him without referring to the famous 'Report' made by him to Lord Carnarvon upon his return, in which he gave an account of his mission, and defended his conduct.¹ It is a composition of much literary merit, exhibiting in a high degree his intellectual power and thorough command of the English language; it discloses his defects of judgment in an equally prominent manner. On matters of fact of great moment it is hopelessly incorrect. The whole character of the Report is utterly inaccurate. To those in South Africa the inaccuracies were so transparent that it was difficult to account for them except on the supposition that they were to suffice for misleading the people of England.

After the debate in the Cape Parliament, to which Mr. Froude had himself listened, he nevertheless tells Lord Carnarvon that the subjects of his despatch were Imperial and external, in which the Ministers of the Cape had no more

¹ *I. P.*, C—3199, p. 58.

right to initiate a policy than in the relation of Great Britain with Canada and Australia. Among these subjects are the sale of arms and ammunition, the surrender of criminals, and the native question. These are not external questions for the Colony with regard to which it has no right to initiate a policy. The Cape Government had actually dealt with them by successful legislation and by arrangements with the Free State and Transvaal. The Gunpowder Ordinance, the extradition treaties with the two Republics were not only initiated by the Colonial Government, but had received the sanction of her Majesty's Government, and had become law. Mr. Froude states that the eastern province had once a separate government of its own, and had never acquiesced in its incorporation into the rest of the Colony. As a matter of fact there never has been but one Government for the Cape Colony, to which the so-called eastern province was always subject. Some minor administrative duties were at one time performed by a Lieutenant-Governor, but the eastern province was then as much as now incorporated with the rest of the Colony.

Then, again, Mr. Froude says that the east 'objects to a Government so remote as Cape Town, and to sending its members to take part in an assembly the majority of which is powerfully under local influence, and that on critical questions eastern representatives find themselves invariably out-voted or overpowered.' The real fact is that if the numbers be counted by constituencies half were in the east and half in the west, but the Speaker being a western, the east had actually a majority of one in voting power. As to any objection to come to Cape Town, this was imaginary. The east was no further in distance than were Yorkshire or Northumberland or Scotland from London before the advent of railways; that distance had never

been regarded as a reason for impairing the efficiency of the Imperial Parliament.

In effect his Report says, with reference to England's conduct towards the two Free States :—

You abandon the Dutch colonies, and in spite of their entreaties, at a time when their territory was unproductive, but directly diamonds were discovered you tried to invent a pretext for resuming your sovereignty over the territory you formerly rejected. Assuming that your claims to certain lands within certain boundaries were valid, you attempted to cheat the Dutch by falsifying those boundaries. When they fought and subjugated their enemies, the Basutos, you stood aloof till it was at an end, and then stepped in and prevented the Dutch from reaping the advantage of their successes. Your conduct towards the Dutch has been one tissue of selfishness, treachery, and fraud from the beginning, and now that the Dutch, by careful and wise government, and by the fortuitous circumstance of the diamond discoveries in their territory, have raised the fabric of a flourishing Republic, and all your pretexts for encroachment on the coveted land are exhausted, you come and invite them to place themselves once more under the British flag, which the tradition of their forefathers, and more lately their own actual experience, has taught them to despise.

When Mr. Froude began his agitation he knew nothing of the local conditions, and while carried away by party enthusiasm of the Separation party he had done his best to turn out the Ministry. Now, however, he confessed that 'If the Conference party came into power after a general election without a concerted programme of future action, difficulties which I believe to exist would immediately make themselves felt. The Conference might be a failure after all, and the Ministers might prove to have been better justified in their opposition than I wish to see them.' Now he saw that all his hurry and his outside pressure had been a mistake—it was another example of South Africa having to suffer for the education of a stranger to her politics and her difficulties. He distinctly came to the conclusion that as regards the objects of the Imperial Government the policy

of the Cape Ministers was the wisest one. Let causes of contention be removed, and the mutual interests of the various colonies and states would eventually lead to their union. 'Suspicion will die out when the Imperial policy is seen to be disinterested—resentments will cease when the provocation no longer remains. *But plants of slow growth endure the longest ; and the final consummation, however devoutly it be wished, can only be brought to wholesome maturity by the deliberate action of the South African communities themselves.*'¹

This appears really to embody Mr. Froude's deliberate opinion, inasmuch as we find he wrote, on leaving Cape Town after the debate, to Bishop Colenso that he must hasten with all speed to England to undeceive Lord Carnarvon, 'who imagines that the Colonies are ripe for Confederation.'²

It was natural that the Conference party should feel very much chagrined at the 'Report,' for it was clear that Mr. Froude did not approve of its action in the special session. In fact he had not approved of the amendments proposed in the House of Assembly by the Opposition. Mr. Philip Watermeyer had moved for a general conference, and Mr. Laing that the conference should be held in South Africa, and not in England, as suggested in Lord Carnarvon's despatch of the 22nd of October. Neither of these proposals was in accordance with Mr. Froude's views as published in his report. On the contrary, he expresses his very great satisfaction that Mr. Solomon's amendment was carried by a large majority.

A change of Ministry was not desired by Mr. Froude. It seems clear that he never really entered into the objects and plans of the Opposition. He saw through their inconsistencies, and estimated their capabilities below those of the Ministry. His agitation was really to bring pressure to bear on the Ministry, not to displace them.

¹ *I. P.*, C—1399, p. 83.

² *Life of Bishop Colenso*, vol. ii. p. 424.

We may close the story of Mr. Froude's relations with Mr. Molteno by adding copies of two letters written when the latter was in England as plenipotentiary for the Cape Colony in regard to the affairs of Griqualand West. It is interesting to observe that, in spite of the heat of battle and the terrible mischief wrought by Mr. Froude to Mr. Molteno's hopes and aspirations for the government of South Africa, his personal relations were such as to inspire the sentiments expressed in the second letter. Unfortunately we have not the replies.

5 Onslow Gardens, S.W. :

August 9th, 1876.

DEAR MR. MOLTENO,—I am sorry that I was out when you were so good as to call. In the deserted condition of London I scarcely like to ask you to give me the pleasure of your company at dinner ; I feel so little confident of being able to find anyone to meet you that you would care to see.

If, however, you have an evening at your disposition, and are willing to bestow it upon me, I should like to invite Mr. Forster and Mr. Lowe, or one of them, who, I am sure, would greatly value the honour of being introduced to you. I will ask you to name your own day, and if these gentlemen will still be in London, I think I can count on Mr. Forster at any rate. But dinner parties, unless they are the best of their kind, and unless the company is really interesting, are, I well know, an infliction which we have no right to impose. If you had rather not be bothered in this way, do not hesitate to say so.

Faithfully yours,

J. A. FROUDE.

5 Onslow Gardens, S.W. :

September 30th.

DEAR MR. MOLTENO,—I have just returned to town. I hear that you sail next week : and as, in human probability, we shall never meet again, I should be glad to see you if you would allow me before you go. In spite of appearances, I have never wavered in the regard which you taught me to feel for you on my first visit to the Cape. Where mistaken impressions have left unpleasant feelings, it is well to remove them if possible ; and I really believe that if you would allow me half an hour's conversation with you, I believe I could show you that in some respects you had been under a misapprehension about my conduct.

If you shrink from seeing me or for any other reason are unwilling to let me to call on you, I will not press my request, but content myself with a hope that you may long continue to hold the high post in her Majesty's service which you have hitherto filled with so much distinction.

Believe me,

Faithfully yours,

J. A. FROUDE.

Confederation, if it ever comes, must be founded by the people of South Africa themselves, and not by outsiders, who can know but little of what they desire to change. Confederation is desirable in itself; but where men are concerned, circumstances must be considered as well as the thing itself. Circumstances were not favourable to confederation in South Africa at that time, and the Cape Ministry, knowing this, said so to Lord Carnarvon, besides maintaining at the same time the rights of the Colony. In policy as in principle, the Molteno cabinet was right, and now they were being justified both within and without the Colony. Mr. Froude himself had not failed to learn this lesson as a result of his fuller experience of South Africa.¹

Our difficulties in South Africa are worrying and perplexing, and sometimes seemingly inexplicable; but a due understanding of the action of Lord Carnarvon will explain the origin of much of the trouble in South Africa. The Secretary of State told Sir C. Darling in 1865: 'It is one of the first duties of the Queen's representative to keep himself as far as possible aloof from and above all personal conflicts. He should always so conduct himself as not to be precluded from acting freely with those whom the course of parliamentary proceedings might present to him as his confidential advisers.' Lord Carnarvon's personal interest in forcing confederation made him forget this rule laid down by

¹ Writing more than ten years after these events, he says: 'I had observed in South Africa that the confusion and perplexities were diminished exactly in proportion as the Home Government ceased to interfere.'—*England in the West Indies*, p. 8.

his predecessor, and supported by every constitutional principle.

For an object-lesson on the dangers of stepping out of the neutral attitude of a constitutional governor into the arena of party conflict, the course urged upon Sir H. Barkly by Mr. Froude and Lord Carnarvon, we may turn to what was at this time taking place in another part of the Empire under Lord Carnarvon's rule. One of his schemes was to be carried out in South Africa, and the other in the West Indies. In a part of the latter Lord Kimberley had formed a confederation; but some of the islands objecting to that policy, the Liberal Secretary of State attended to their wishes, and did not press them to accept a form of government against which they protested. Lord Carnarvon was not so scrupulous; and about the time Mr. Froude was despatched to the Cape Colony, Mr. Pope Hennessy received his commission as Governor of the Windward Islands.

Both were sent forth as missionaries to propagate Lord Carnarvon's grand idea. They had this also in common, that both were furnished by the Secretary of State with private instructions. They had official despatches to be put before the constitutional authorities, and they had private communications if they should have to go on the stump. At the Cape and in the West Indies the constituted authorities held opinions opposed to the expediency of Lord Carnarvon's policy under the existing circumstances; and in both, no doubt in accordance with the private instructions received from the Secretary of State, an attempt was made to bully the constituted authorities into doing the will of Downing Street. At Barbadoes, as at Cape Town, the question was submitted more or less explicitly to the Houses of Assembly; and when these bodies declined to have anything to do with the matter, similar action was taken by Governor Hennessy and Mr. Froude. Public meetings were held, at which the most illusory speeches were made. Confederation was said

to be the panacea for all the ills of the State. No opportunity was lost to delude the people.

Fortunately, at the Cape the constitutional representative of England abstained from taking any part in the agitation. Sir Henry Barkly did not attend public meetings and tell one class of the population that under confederation they would be free from the oppression of another class. Neither did he go from village to village, raising race against race. Governor Hennessy, having no Mr. Froude to do the stumping, undertook that duty himself. He appealed to the people against the representatives. The West India Association charged the Governor with having presented the strange spectacle of the Governor and officials 'converted into an electioneering band for the purpose of forcing a ruinous policy on an unwilling people.' He fanned class and race prejudices till whites and blacks took arms against one another. And all this happened because the Governor of the colony, forgetting his position, became a partisan in carrying out the ill-timed policy of Lord Carnarvon. He disregarded 'constitutional principles,' and he received his reward. The colony over which he ruled was in confusion, and he was recalled. Sir Henry Barkly held firmly to the much sneered at 'constitutional principles,' and the Cape was peaceful.

CHAPTER XVIII

THE DESPATCHES CONTINUED, AND THE
SESSION OF 1876

Lord Carnarvon's Fourth Despatch—Inconsistency of the Despatches—Fifth Despatch—Reply of Ministers—Conference transferred to London—South Africa must be left to itself—Lord Carnarvon rejects Advice—Session of 1876, and state of Parties—Mr. Molteno proposes to visit England—House approves Ministerial Action—Work of the Session—Confederation excites Natives.

LET us return to the history of Lord Carnarvon's despatches, the fourth of which now arrived. It was dated the 15th of November,¹ and was therefore penned before he had received the result of the special session of the Cape Parliament. It commences by referring to the possible expediency of holding 'a meeting on the subject of Confederation,' the decision of the Cape Parliament being of so little importance to the conclusions which he had been led to form on the subject.

In the next paragraph the meeting becomes a Conference, which is put forward tentatively to the Colonies and the States of South Africa ; but not 'The Conference,' be it observed, of his previous despatches, which was to be held in South Africa, for this is to take place in England. For the benefit of the uninformed in England who will read his despatch, he says : 'In arriving at a decision on the grave questions which would come under consideration, the extent to which the interests of each community must be left to the Government which is responsible to it will have

¹ *I. P., C—1899, p. 27.*

to be carefully borne in mind.' What about Mr. Froude's agitation which he had fully endorsed? What about his directions to Sir Henry Barkly to turn out Mr. Molteno? Were these left to the Government of the Cape? Did he consult the Transvaal Government when he annexed the country?

The despatch suggested that a meeting should take place in England rather than the Cape to receive the views of her Majesty's Government, on the ground that it would 'be impossible to invest any person or persons with either plenary powers or adequate instruction on which he or they could safely act without further reference to this country.' Lord Carnarvon evidently perceived that he had made a mistake when he had suggested that Mr. Froude should occupy this position at the first Conference.

After dealing with President Brand's objections to sit in Conference with Griqualand West, and agreeing with him that Griqualand West need not be there, the writer proceeded to state that it would be for the Cape Government to select the two delegates, 'whom I still presume it will be the desire of the Colony to send as their representatives.' A somewhat cool assumption in face of the fact. The Colony had never expressed any wish to have representatives at any Conference. He concluded with an assurance to the Colonies and States that the Conference would only deliberate, and its proceedings would not bind the Governments of the respective delegates, but he nevertheless expressed the hope that the final result would be such a general agreement as to satisfy the several Legislatures 'that it is most safe and desirable to confederate on terms not very dissimilar from those adopted by the Provinces which now constitute the great Dominion of Canada.'

Lord Carnarvon had now sent out four despatches between the 4th of May and the 15th of November. No two of these were wholly reconcilable with each other, while

the first and the last asserted different objects and different modes of procedure. Lord Carnarvon, before he became Colonial Secretary, was a brilliant classic, and had doubtless studied Aristotle in his early days. His cast of mind would seem to have fastened on the portions of the 'Republic' where it is laid down that a good deal of falsehood and deceit might be resorted to by rulers for the benefit of their subjects, such practices being as medicine in the hands of a skilful physician. As confirming this view there had certainly been an absence of candour in his treatment of the Cape which a comparison of the despatches will bring out and which gave rise to a very proper resentment.

At last Lord Carnarvon ventured to tell the country that Confederation was his sole aim and object. In the first despatch it was stated that at the Conference to be held in South Africa the chief subjects for deliberation would be native policy, the sale of arms and ammunition, and other subjects of that character, Confederation being mentioned only as an incidental matter which might possibly come up in the course of discussion. In paragraph 7 of the despatch of the 4th of May he says:—

It is then with regard to the native question that I conceive it to be most urgent at the present moment that there should be a free and friendly interchange of opinions among the neighbouring Governments of South Africa; and if it were for the consideration of this question alone, I should conceive that the assembly of a Conference, such as I am about to propose, of representatives of the Colonies and States, would be productive of the greatest advantage.

Another section of the same despatch mentions Griqualand West as pressing for urgent and careful consideration, and then a further reference is made to it:—

The more immediate benefit which I should look for would be some satisfactory understanding as to native policy.

The second despatch dealt with the reception of his proposals by the Cape Ministry and Parliament, and directed

the holding of a Conference at Maritzburg of the other Colonies and States, whether the Cape accepted the invitation or no. This Conference was, of course, never held

The third despatch expressed his satisfaction with the agitation raised by Mr. Froude, and his confident belief that it would suffice to get rid of Mr. Molteno's Ministry. The suggestion for a Conference in the Cape was withdrawn, with the hint that he was thinking whether a meeting in England might not be best, and that he would request the Governor and Mr. Froude to confer with him; this conferring being for the purpose of enabling her Majesty's Government to 'explain the principle on which the native policy of the future should be based,' and the terms and conditions on which a Confederation might be originated.

In the fourth despatch, either because the Minute of the Ministry of the 14th of September had clearly disposed of the various questions which Lord Carnarvon had put forward for discussion in the first instance, or because these objects were never seriously intended for discussion, but merely advanced as a blind, they are entirely forgotten, and Confederation is the sole end and aim in view—native policy finally disappears.

Thus Lord Carnarvon had pursued a course embracing serious inconsistencies which had led him into an altogether illogical position. The Eastern Province was naturally annoyed at this change of front, and did not hesitate to say so. The 'Grahamstown Journal,' one of his ablest and most influential Press supporters and no friend of the Molteno Ministry, wrote that :—

'it meddles and muddles' the situation more than ever. Taken with other despatches it is full of inconsistency. The last despatch spoke of the preliminary Conference being unnecessary, and gave no name to the gathering of the few men who were to meet in London. The despatch in to-day's issue speaks of that meeting expressly as 'The Conference.' Why cannot Lord Carnarvon do that which is the first lesson of statesmanship—let well alone?

The Earl sagely remarks that when the Cape Parliament has made its decision, 'a distinct stage in the proceedings will have been completed.' Then, in Heaven's name, why could not his Lordship let us reach that stage without his injudicious, ruinous, inexplicable interference? And again, the whole country—that is to say, the whole Eastern Province—desires Confederation, which was nearly within its grasp. Lord Carnarvon's unwise interference—we can call it nothing else—has indefinitely postponed the accomplishment of this great purpose.

Conference and Confederation were made to look like the same thing in this last despatch, but they were not so in the views of the supporters of the Conference. In the debate just closed Lord Carnarvon's quondam supporters had resented the holding of the Conference in England. It was felt that a Conference, however constituted, which met in the Cape Colony, would be affected by the public opinion of the country and would be in touch with its leading views, and the interests of the Colonies and States would be to this extent protected; but in London, away from the influence of the Cape and its surroundings, and subject to the full glow of blandishments such as Sir Garnet Wolseley had used so successfully in Natal, the few South African representatives would be exposed to serious risk and dangers. How true this fear was will be seen when Lord Carnarvon ostentatiously announced on the opening of his Conference of nominees in the ensuing year, that Sir Theophilus Shepstone had been made a K.C.M.G., and thus it might be seen what good and dutiful delegates would get for themselves.

Were South Africa as a whole desirous of completing Confederation, it is certain it would never consent to this method of bringing it about. As in the case of the Canadian Colonies, the people of South Africa would want to see the foundation of their future institutions built upon their own land. That in itself would be enough to cause the rejection of the suggestion for a Conference on such a subject being held out of South Africa. And here was Lord Carnarvon's plan :

that the Conference to settle the proposals for Confederation should meet in London, that then the proposals should be sent back to the Cape, and what was finally agreed upon should be sent on again to London. All this was the reverse of what was done in the case of the Canadian Confederation.

We now come to Lord Carnarvon's fifth despatch, written upon the receipt of the decision of the Cape Parliament.¹ In regard to the question of Conference or Confederation he stated plainly, 'I have felt Confederation to be *the* question in the presence of which all others are of secondary consideration.' He accepted the resolution of the Cape Parliament offering its aid in the settlement of Griqualand West difficulties 'as a substantial concession to the Imperial Government on points of real importance.'

Not only has the House declined to place on record the statement which would have been neither accurate nor becoming, that the Imperial Government has been connected with any unconstitutional agitation,² but it has accepted, in terms which I have no doubt the Colony will understand, to imply substantial co-operation, the duty which I have repeatedly urged on your Government of redeeming those pledges which were given by a former Parliament, and in consequence of which Griqualand West was brought under British rule.³

To the concluding portion of this paragraph the Cape Ministry took strong and well-founded objection as being not consistent with the facts, while we may again note that the Cape Parliament, wishing to avoid a conflict with the Imperial Government, had abstained from passing direct judgment on the unconstitutional agitation condemned so strongly by the majority of its members; and this was the way in which Lord Carnarvon received the olive branch!!

¹ We have already alluded to the paragraphs of this despatch which dealt with Mr. Molteno's motion in the Cape Parliament, and the justification of Mr. Froude's action by Lord Carnarvon.

² The reader should consult pp. 26-30 *supra*, to see how flagrantly Lord Carnarvon had chosen to misinterpret Mr. Solomon's amendment.

³ *I. P.*, C—1899, p. 90.

He continued that 'he hopes to arrange for a Conference in London,' and suggested that any delegate sent over by the Cape to discuss the matter of Griqualand West should attend such a Conference. In section 19 he made the important statement that if the two Republics saw their way to a resumption of their connection with the British Crown by Confederation, it would be a result of great value! So little acquaintance had Lord Carnarvon with South African history, that he here supposes that the Transvaal Republic had once been connected with the British Crown, which, of course, had never been the case. It was reserved for Lord Carnarvon to force it into its first connection with the British Crown. Equally egregious was the blunder of supposing that the real feelings of the people of the Free State and Transvaal were such as to permit of their voluntary union under the British Crown.

This was one of the objects of Lord Carnarvon's policy, a very legitimate and worthy object, and one which would simplify South African questions; but Lord Carnarvon's mode of pursuing it has made it more improbable than ever. Had he left well alone, the unfettered development of responsible government would have proved to the two Republics that the ruinous consequences of interference from afar were no longer to be apprehended, and that a perfect liberty to manage their own internal affairs would be accorded them under this system. We have seen how eagerly both the Republics looked to this result when responsible government was first introduced at the Cape, we have now to see how these hopes were ruined. Lord Carnarvon failed to realise that nothing permanently good can come of deception. The condition of South Africa since his action in this behalf has amply borne out this truth.

He concluded with the prophetic paragrah:—'The termination of the late debates in Parliament closes the most important era which has occurred in the history, not only of

the Cape Colony, but of South Africa.' The tone of the whole despatch is what we may term 'Olympian.' The Colonists, with their 'petty parochial' ideas, must sit with open mouth at the feet of the paternal instructor. Englishmen never have, and we hope never will, submit tamely to such treatment. The day they do they cease to be Englishmen. All colonial history is our witness.

The reply of Ministers contained in their Minute dated the 14th of March stated that :—¹

Ministers are pleased to learn that the Right Honourable the Secretary of State for the Colonies rightly interprets the resolution of the House of Assembly as a wish on the part of the Government and Parliament of the Cape Colony to do all that lies in their power to aid in bringing about an equitable settlement of the difficulty which exists with reference to the territory known as Griqualand West. They feel bound, however, to take exception to the statement contained in paragraph 22, to the effect that the redemption of certain pledges has been repeatedly urged on this Government.

If the Resolutions adopted by the Cape Parliament in 1871 be here alluded to, those might fairly be held, without stopping to discuss their real tenor, to have been abrogated by the subsequent creation of Griqualand West into a Crown Colony without consulting this Government; and although the Secretary of State may have intimated to his Excellency the Governor his Lordship's dissatisfaction with the arrangements then concluded, this dissatisfaction has never been formally communicated to Ministers.

It was further stated that Mr. Molteno would be ready to proceed to England during President Brand's visit to that country for the purpose of rendering on the part of the Cape Government its counsel and cordial assistance in settling the difficulties which had arisen out of the extension of British jurisdiction to the territory of Griqualand West. Mr. Molteno would thus further be able to discuss with the Secretary of State any further matters which might be considered desirable. But the Ministers were careful to state

¹ I. P., C—1631, p. 12.

that the question of the attendance of delegates at any Conference must, as already intimated, be determined by the Colonial Legislature. The Ministers added that they—

regretted the terms of the Resolution adopted by the House of Assembly in the recent session should be taken by the Right Honourable the Secretary of State for the Colonies to contain a misconception of his Lordship's meaning as to the withdrawal of the original proposal for a Conference. . . . Ministers observe with pleasure that no steps are to be taken in the important matter of Confederation without full and anxious deliberation, and they share the hope that the proposed negotiations may tend to the promotion and continuance of those friendly relations which have hitherto subsisted between the Government of this Colony and the Governments of the Border Republics.

Mr. Molteno was large-minded and liberal enough to sink any personal question between Lord Carnarvon and himself, and to give to the great interests at stake the full determination of his action; he endeavoured to do what was possible to meet the wishes of the Imperial Government, and to render such aid as might be wise and possible for the Cape to give so as to deal with the difficulties of the situation.

Lord Carnarvon now turned over a new leaf and began a new chapter in the history of his Confederation movement. He transferred the question from the dust and heat of the Colony to the calmer atmosphere of Downing Street. He was no more successful here than he had been in South Africa itself, and he now made serious departure from his previous policy. He had followed Mr. Froude's advice in the main until the period of the London Conference. After its failure he abandoned his comparatively gentle guide for more forcible counsels.

In the event of the offer of the Colony to assist the Imperial Government in the Griqualand question being accepted, Mr. Molteno stated in a subsequent Minute¹ that

¹ *I. P.*, C—1631, p. 2.

he would be willing to proceed to England to discuss the matter with Lord Carnarvon. Sir Henry Barkly had expressed to Lord Carnarvon his wish that Mr. Molteno should go to England to confer with him, but he informed Lord Carnarvon that unless he went at once he would hardly be back in time for the ordinary Session, and there would be so much disadvantage to the Colony from his absence that a good cause for going was essential. He further told Lord Carnarvon that the whole position of the question afforded another strong ground for not dissolving or exchanging a Ministry in some degree pledged to co-operation as to Griqualand West for one that would not be so. As to his Lordship's invitation, Mr. Molteno thought it was not such as anyone would care to accept, particularly as his Lordship seemed to be of opinion that he could settle everything with President Brand, and there was no reason why he should not do so.

The Colonial Parliament was again about to meet, and we must look at the position of parties. Lord Carnarvon's action had completely demoralised the Conference party. Through their principal organs in the Press they were accusing each other of deserting the cause. The 'Standard and Mail' and the 'Volksblad' in the West were reviling the 'Journal' and the 'Star' in the East. The effect of Lord Carnarvon's despatch of the 22nd of October was evident as soon as it was published, for Mr. Sauer and other leaders of the Conference party immediately declared their hostility to any Conference in England. They distinctly repudiated Lord Carnarvon's course of action, and in strong language deprecated the holding of a preliminary Conference in London, and in terms of the motion in Parliament urged the party against giving 'even an implied assent' to any of Earl Carnarvon's suggestions with respect to the London Conference.

The Conference party might be said to consist of three distinct sections, the first being those whose expiring hopes

of separation had been revived by Earl Carnarvon's proposals ; the second consisting of thoroughgoing Confederationists ; and the third of people desirous of seeing the long-pending boundary question settled between the Home Government and the Free States. The first of these sections had few adherents outside of Grahamstown and Port Elizabeth. The second consisted of a very small party, few people being sufficiently sanguine to see any prospect of an early Confederation with the Free States under the English flag. The third section was large and influential, the object in view being shared by every colonist. Both parties in fact here occupied common ground, the difference between them consisting in the means to be employed in attaining so desirable an end.

The Conference party insisted upon holding a general Conference, although the Government of the Free State had repeatedly intimated its unwillingness to submit the boundary question to such a tribunal. Earl Carnarvon endeavoured to force the Free State to be represented at this joint Conference by stating that providing this was done there would be no objection on the part of her Majesty's Government to holding direct communication with the President on questions of common interest, and to giving it satisfaction in settling the Diamond Fields disputes.

The Ministerial party, on the other hand, whilst maintaining the inexpediency of the Conference on general grounds, were convinced that as a means of settling boundary questions it would be practically useless. The firmness of this party, and the no less resolute attitude of President Brand with respect to this matter, were not without effect on Lord Carnarvon, who at last consented to the President's statesmanlike proposal—that the territorial difficulty should be considered by Earl Carnarvon and by a delegate from the Free State specially deputed for that purpose. With the view of promoting this arrangement, the Ministerial party in the

Assembly passed a resolution expressing the willingness of the Cape Government to meet the Imperial Ministry with council and assistance in bringing this question to a close.

This offer was accepted by Earl Carnarvon, and in so doing he said, 'that this decision of the Assembly embodied one of the first and principal results which he had thought a Conference likely to bring about.'¹ Under these circumstances it might now be expected that a speedy settlement of this question would be hailed with general satisfaction as a practical result which the vague originally proposed Conference could not have brought about.

Nevertheless Lord Carnarvon had not withdrawn his proposal for a Conference in London, the main object of which now was to explain his ideas on the native policy of the future and the basis for forming a Confederation of the South African Colonies and States. The latter object being the major one included the minor. But had the Cape Colony asked for Confederation? Had the Orange Free State or the Transvaal Republic? It was known that just the contrary was the case. The Cape had its hands quite full at that time with its own internal affairs, and required time to consolidate its existing institutions. The Transvaal Republic would come into a Conference only on the express condition that nothing should be done to impugn its independence. President Brand had recently expressed himself as follows in the Volksraad: 'The great idea of Earl Carnarvon is a united South Africa under the British flag. He dreams of this,' and further, 'I consider this very desirable, but under a South African banner. . . This Council cannot be in favour of a Conference where Confederation is to be discussed.' The above was a plain and honest statement which all were bound to honour and respect, and in the face of utterances like these it would be foolish as well as ungracious to insist upon Federal Union.

¹ *I. P.*, C—1399, p. 90.

Lord Carnarvon had treated the Republics with great deference hitherto; the butter which he and Mr. Froude were spreading over the Presidents might well be calculated to rouse distrust, and to be regarded only as a means of swallowing the Republics with greater ease. Lord Carnarvon's policy being the unification of South Africa under the English flag, his extreme courtesy to the Presidents had a suspicious look. It had the appearance of the invitation of the spider to the fly; if the annexation could be brought about by soft words well and good, but if not, other influences would be set at work and the independence of the Republics undermined. The subsequent annexation of the Transvaal confirms this surmise. It was, however, becoming evident even at this time that Lord Carnarvon had designs upon the Republics. For the Cape he had shown less consideration than he showed at first to the Republics when he sent his agent, Mr. Froude, to back his unwelcome proposals.

The strictly constitutional attitude of Ministers and Governor had defeated his designs on the independence of the Cape.¹ In regard to the Republics it was becoming evident that they were not ready to take the bait. There were public rumours of annexation despatches having arrived, and a policy of forcible union was being advocated in the Froudean Press, while the Attorney-General of Griqualand West had even asserted in a court of law that England possessed rights over the Republics. The Cape Ministry had let Lord Carnarvon know that the Colony was ever ready

¹ It was clear to most observers who knew the facts that Lord Carnarvon was infatuated with his Confederation scheme. Writing on the 31st of March, 1876, Bishop Colenso says: 'I must conclude that he has made up his mind to sacrifice truth and justice to political considerations, especially to his desire to bring about the South African Confederation, for which he considers that he has special need of Mr. Shepstone's assistance.'—*Life of Bishop Colenso*, vol. ii. p. 444. And again he says: 'But he (Lord Carnarvon) seems infatuated about this Confederation scheme, which is quite premature, and, I strongly suspect, will end in a complete fiasco.' *Ibid.* p. 445.

to render its assistance to the Imperial Government in the difficulties caused by Imperial officials, but that it expected to be treated no worse than its sister Colonies in other parts of the Empire. This action had succeeded, and in so doing, the Cape was not only preserving its own rights but was acting as a bulwark to the freedom of the Republics. Were the Imperial officials allowed their own way at the Cape they would make short work of its neighbours, the Free State and the Transvaal.

Under these circumstances Mr. Molteno on the meeting of Parliament submitted his answer to the Secretary of State, embodied in the Minute of Ministers of the 14th of March, at the same time asking Parliament to confirm the suggestion that he should proceed to England to arrange with Lord Carnarvon the difficulties which had arisen in connection with Griqualand West; the terms were as follows:—

This House desires to express its approval of the action taken by the Government as specified in the Minute of Ministers of the 14th of March last, consequent on the Resolution agreed to by the House in the Special Session of November with the view of giving the counsel and assistance of this Government in settling the difficulties which have arisen out of the extension of British jurisdiction to Griqualand West, and the House further approves of the suggestion made in the same Minute that Mr. Molteno, while in England, should also discuss with the Right Hon. the Secretary of State for the Colonies any further matter which may be considered desirable, and thus among other advantages resulting therefrom, afford her Majesty's Government the opportunity which Lord Carnarvon states that he considers expedient for explaining more specifically the general principles upon which they are of opinion that the native policy of the future should be based, and the terms and conditions upon which they conceive that a Confederation might be effectively organised.

As Mr. Molteno would be going to England he might take the opportunity of learning from Lord Carnarvon what his views were upon these subjects. There would

be no Conference of an indefinite character which might bind the Colony, however much the latter might dissent from the conclusions which might be arrived at. Although nothing may be done at such a Conference so as to be binding on any Colony or State, yet certain moral obligations are invariably contracted which it would seem ungracious to ignore. Nor is this the only objection, for ideas are started and questions raised which, though impracticable and even known to be such, often cause hurtful agitations calculated to distract people's minds from matters of far more practical utility. Let your guarantees be ever so strong, depend upon it no Government ever comes away from a Conference so free as it entered upon it, and hence the inexpediency of taking part in any official Conference unless some special and clearly defined object is to be attained.

The Parliamentary Opposition was disorganised, and it was only at the eleventh hour, after the motion had been on the paper for ten or twelve days, that Mr. Maasdorp proposed an amendment to the Resolution suggesting that it was requisite in the interests of the Colony that Mr. Molteno should be assisted by at least two delegates to be selected by the Colonial Legislature.

Mr. Molteno introduced his motion in a very short speech, as far as possible avoiding any controversial matter. In regard to the amendment proposed by Mr. Maasdorp he said :—

We have not yet had an opportunity of hearing the views of the hon. member for Graaff Reinet, and the reason for an addition of this sort. So far as I can see, however, what he proposes is entirely beyond the necessities of the case. It would be a very extraordinary thing to do what he proposes. I take it that so long as the Colonial Secretary possesses the confidence of this House he is presumed to represent the whole Colony, and in my opinion it would be quite sufficient for him to go to England for the purpose of giving counsel and assistance, and conferring with Lord Carnarvon on this important matter. Of course, it must be understood that whatever takes place would not be of a binding

character at all. It would be simply to ascertain the views of her Majesty's Government, which would be communicated in due course to this House, and its opinions taken thereon. Therefore I fail to see what object is to be gained by the Colonial Secretary being accompanied by two co-delegates, and it is difficult to know what assistance could be possibly afforded thereby; indeed, instead of being an assistance it might turn out that it would simply neutralise the action to be taken, and do more harm than good. . . . The Government think that a person occupying the position I do would be the proper person to represent the Colony. If the House thinks I am not the proper person, it would be a matter for the consideration of the Government. It will amount then, I may say, to a vote of want of confidence. Without arrogating anything to myself I claim to represent this Colony, and I have no reason to believe that I do not correctly represent the people of this Colony, with the exception of a particular party, and that I confess I do not represent. That is the Separation party. I repeat it is the Separation party which is the only party I do not represent.

The Constitutional party led by Mr. Molteno were still standing upon their original ground, resolutely refusing to go into a vague, indefinite Conference to discuss nobody knows what, leading to complication and difficulties of which no one could see the end; while the rights and privileges of the Cape of Good Hope are to be maintained against attacks coming from whatsoever quarter, the duties attaching to the citizenship in the British Empire would not be neglected. Having successfully resisted all encroachments on the privileges of self-government the Constitutional party were ready to assist in repairing the error, if any, committed by the Imperial officers in their dealings with neighbouring and friendly States.

The debate was naturally of a half-hearted character, and on the following day Mr. Sauer moved an amendment to the effect that the Premier's mission to England should be confined to the Griqualand West question. He stated in explanation that he came forward as one of those who, having originally been in favour of a Conference in South Africa,

were opposed to any attempt at holding it in London, which, in the face of the unwillingness of Presidents Brand and Burgers to take part, would in his opinion prove nugatory, and he held therefore that delegates be not appointed, and that Mr. Molteno's functions should be confined to aiding in the settlement of the boundary dispute with the Orange Free State.

This amendment was seconded by Mr. King. Mr. Sprigg made a speech in favour of Mr. Sauer's amendment. Mr. Paterson then spoke, and was followed by Mr. Solomon with a scathing criticism of the specious and inconsistent arguments of the member for Port Elizabeth. Mr. Solomon likewise supported Mr. Sauer's amendment. Mr. Molteno, in his reply, declared that he had no desire to suggest a Conference—he had no intention of suggesting a Conference by the latter portion of his motion, and he readily accepted Mr. Sauer's amendment. In the course of his speech, replying to a charge of vacillation on the part of the Government, he said:—

At this charge he was certainly surprised, for he thought that all along they had been regarded as too obstinate, that they took up a certain position from which it was impossible to move them. Everyone knew the circumstances under which the thing was opposed from the beginning; it was useless going over all that ground again, seeing that we had successfully resisted any interference with our political privileges. They all knew how that agitation resuscitated the Separation question. Even Lord Carnarvon had admitted that in some instances he was wrong and the whole of the English Press admitted it. In his opinion, as first responsible Minister, it was his duty at all hazards to stand up and protect the constitutional rights of the Colony, and he was glad to say he had been successful.

After denying that he had asked to be sent as a delegate to the Conference, and declaring that while he should hold himself at liberty to converse upon any subject which Lord Carnarvon might wish to discuss, he should only express his personal opinions, and should not represent the Colony

officially except as regards Griqualand West, he accepted this amendment on the ground that the latter part of the Government Resolution had been misunderstood. The omission of the latter part of the original motion was therefore carried by 32 votes to 24. The addition proposed by Mr. Maasdorp was negatived afterwards by 31 to 25, and the first part of the original motion expressing the approval of Mr. Molteno's action was agreed to without a division. A similar Resolution proposed in the Council was carried there. Upon receiving this Resolution through the Governor, Lord Carnarvon stated that it would give him much pleasure to have the opportunity of personal discussion of these questions with Mr. Molteno on his arrival in England.

We may briefly allude to the other work of this Session. When compared with previous ones we immediately recognise the comparative barrenness brought about by the excitement consequent upon the Confederation proposals of Lord Carnarvon. It was impossible to discuss calmly the ordinary business of the country. There were nevertheless one or two matters of considerable importance dealt with in this Parliament. A perusal of the Blue-book on native affairs shows that the policy of the Ministry was proving of the greatest advantage to the natives themselves and to the Colony; British rule was being gradually extended over great territories with the consent of the natives. An Act for the annexation of Tembuland was passed in this Parliament. This territory is the country lying between the Umtata and Tsomo Rivers, about 50 miles by 120 miles. There were fifteen mission stations and a population of about 60,000. The paramount chief was Gangelizwe. He and his people had asked to be annexed, no doubt owing to the fear which they entertained of Kreli, who was threatening them. Four new magistracies were to be created. The revenue was 5,000*l.*, estimated expenditure 4,287*l.*

It was at the same time announced that a special

Commissioner had been appointed to arrange with the native tribes between the Cunene and the Orange River and the hinterland of Walfisch Bay for their annexation to the Cape Colony. We have already alluded to the immense importance of this step, which unfortunately Lord Carnarvon refused to permit the Colony to carry out.

An attempt was made on the part of the members for Port Elizabeth and those interested with them to divert the great trunk line of railway from Cape Town to Beaufort, so that it should run *viâ* Robertson and Montagu, thus increasing the distance between Cape Town and Beaufort West, and preventing all chance of Cape Town competing with Port Elizabeth in the centre of Beaufort for the trade of that important district and the districts beyond, and destroying the principle of a great trunk line to the Free States and the interior. Happily the Resolution proposed to this effect in Parliament was defeated by a majority of 40 to 17. A public meeting to urge the direct route to Beaufort had been held at Cape Town, and this strengthened the hands of the Ministry in the Parliament.

Mr. Abercrombie Smith had been appointed in the preceding year to the newly created office of Auditor-General. The Ministry was subjected to considerable criticism owing to this appointment having been made while he was a member of the Ministry. Mr. Sprigg moved a Resolution that while giving the Government full credit for being actuated solely by the wish to promote the public interest in recently appointing a member of the Cabinet to the office of Auditor and Controller-General, the House desires to express its conviction that such appointments are inexpedient, and should not be made without the sanction of the Legislature. To this Mr. Molteno replied that the Government were answerable to the House for all their actions, and the House could not be responsible for appointments to the Civil Service. He conscientiously believed that the Government, in acting as

they had done, had only done so in the best interests of the Colony. He believed Mr. Smith was an excellent man for the position, and possessed a special qualification for it.

This was one of those occasions on which Mr. Molteno had been able to find the right man to occupy the position. He allowed no minor considerations to interfere with his decision when he believed the interests of the country demanded the appointment, even where he took a considerable responsibility and risked his political existence by so doing. In this year 1899, and for twenty-four years previously, Mr. Abercrombie Smith has most admirably discharged the duty of that office to the unanimous satisfaction of all parties. On the attempt of Mr. Philip Watermeyer to so alter the resolution as to make it a condemnation of the appointment, his object was defeated by a vote of 29 to 18, and eventually Mr. Sprigg's Resolution was carried with the assent of the Ministry by 28 votes to 14.

The Ministry had introduced a Volunteer Bill which gave it the power to move Volunteers to any part of the Colony. This gave rise to considerable objection, and eventually a compromise was arrived at by which it was decided to appoint a Frontier Defence Commission to deal with the whole question.

The Government also announced, as on a previous occasion, that they would refuse to introduce Chinese labour into the Colony, although they were pressed so to do by certain portions of the Colony. They also announced that there was no truth in the rumour that Basutoland was to be annexed to the Free State. It had become necessary to apply to Lord Carnarvon for a definite denial of this rumour, which was causing considerable uneasiness among the Basutos. Lord Carnarvon and Mr. Froude's actions were beginning to bear fruit in a disturbance of the native mind. It was reported to Lord Carnarvon by the High Commissioner, that the talk of Federation among the whites

might lead to uneasiness among the blacks. Mr. Griffiths, the Government agent in Basutoland, a man experienced in native affairs, writing on the rumour that Basutoland was to be handed over to the Free State, and assuming that it was to take place, said :—

Not only would the Basutos, and with bitter reason, become our enemies, but their cause would be taken up by, and the sympathy excited of, every native tribe in South Africa. Let the proposed cession be taken in connection with Mr. Froude's recommendation as to the adoption of a common native policy, and the assimilation of our policy to that of the two Republics, which he seems to advise, and the chain of suspicion will be complete; the proposal to hand over the Basutos or Basutoland to the Free State will then seem to be only a step in the policy recommended by Mr. Froude.¹

The opinion of an officer in Mr. Griffiths' position, and of his experience in native affairs, would, under any circumstances, be worthy of the greatest consideration; but, in addition, his opinions were supported by what had already occurred.

He said :—

If the vague rumours of Federation which have reached such men as 'Nehemiah' and 'Tsekelo' have already been productive of inconvenience and expense, and have furnished materials for a plot, which, perhaps, only the timely and spirited action of the Government of Griqualand East has dissipated, what will not be the effect of the rumour which has now been set afloat? Lately, when the Free State disarmed some of their native subjects living in the neighbourhood of Witsie's Hoek, a report obtained currency here that this was part of a concerted plan, and that our Government intended to pursue a similar course, and disarm the Basutos, I was able to allay the fears of the Chief Letsie and the Basutos by treating the rumour with contempt, and telling them how unlikely and absurd it would be of us first to grant permits at the Fields, and thus to arm those we intended shortly afterwards to disarm.

Here we see the beginning of that disturbance in the native mind which was, curiously enough, not unwarranted

¹ I. P., C—1348, pp. 33-35.

by what was to occur a little later under Sir Bartle Frere. It is an easy matter for gentlemen in London to rearrange the map of South Africa, but it was felt that the rearrangement prematurely effected might lead to consequences that the enthusiastic admirers of Lord Carnarvon's policy never anticipated.

Only so recently as the autumn of the preceding year serious difficulties had arisen for the Colonial Government out of a quarrel between Kreli and Gangelizwe, but the knowledge of the natives, and the patience brought to bear on the question by Mr. Molteno and Mr. Brownlee, aided by the co-operation of the Governor, had prevailed. The crisis had been a serious one, and it had become necessary to move some of the Frontier armed and mounted Police across the Kei, together with some artillery. With the aid of this show of force the colonial diplomacy succeeded, and Sir H. Barkly writes to Mr. Molteno, under date September 30th, 1875: 'I am glad to see things are more settled in the Transkei; it will be another triumph for Cape native policy.'

A previous success for Cape policy had been secured just after the ministry entered upon office in 1872, when a state of war broke out between Kreli and Gangelizwe, threatening to involve the colonial natives in the trouble. Mr. Brownlee had proceeded to the Transkei, and had succeeded in arranging the difficulty. On both these occasions, it may be observed that the Governor allowed his ministers, who had a more thorough knowledge of the natives, to manage the negotiation. At a subsequent period when trouble arose once more with Kreli, the new Governor, Sir Bartle Frere, endeavoured to conduct the negotiation himself and thwarted, as far as he was able, the wishes of the ministry, holding, as he did, that it was monstrous to manage instead of to command a native chief, and the natural result was the Transkei war of 1877-78.

CHAPTER XIX

MISSION AS PLENIPOTENTIARY TO ENGLAND. 1876

Mr. Molteno proceeds to England—Lord Carnarvon arranges without him—Free State Difficulty—Imperial Government asks Cape to pay—Correspondence with Lord Carnarvon—Interviews—Mr. Molteno proposes Annexation of Walfisch Bay—Lord Carnarvon Refuses—Serious results of Refusal to annex Damaraland—Mr. Molteno agrees to annex Griqualand West—Annexation of Transvaal—Mr. Molteno declines to discuss the question—Urges Consolidation of South Africa by Unification, not Confederation.

As soon as his duties in the Cape Parliament admitted of his departure, Mr. Molteno proceeded, on the 7th of July, to England in the *Windsor Castle*. His mission was that of plenipotentiary for the Cape Colony to give cordial assistance and advice to the Imperial Government in the difficulties which had arisen out of the extension of British jurisdiction to Griqualand West. His instructions allowed him to discuss personally with Lord Carnarvon any matters concerning South Africa, but he was not at liberty to attend any Conference. The same vessel carried to England Mr. Shepstone, the official nominee of Lord Carnarvon, to represent Natal at any Conference which might be held, as well as Mr. Akerman and Mr. Robinson,¹ who had been appointed by the Natal Legislature when it first met after the invitation to the Conference had been received from Lord Carnarvon.

As soon as the decision of the Cape Parliament authorising Mr. Molteno to proceed to England with the object of meeting Lord Carnarvon became known, public meetings were held in the Eastern Province to urge that that portion of the Colony should be separately represented. Mr.

¹ Subsequently first Premier of Natal.

Paterson and Mr. Blaine were nominated at these informal meetings in that behalf, and Mr. Paterson proceeded to England by the same steamer as Mr. Moltano. President Brand had already arrived there. Lord Carnarvon had replied to the offer of the Cape Ministers that he would be pleased to receive the assistance offered, and he suggested that a representative of the Cape Government should be present to consult with him on this subject during President Brand's visit, and subsequently, on learning that Mr. Moltano would proceed to England to meet his wishes, he said he would be very pleased to receive him.

The suggestion to remove the Confederation negotiation to London had been made by Mr. Froude during the special session in November, and had been adopted by Lord Carnarvon. South Africa had been thrown into a ferment by his unwise action in regard to Confederation. Better results were hoped for from its removal to the calmer atmosphere of Downing Street. We shall find that the difficulty was not in the place of meeting, but in the subject itself. No better result attended the effort in England made by Lord Carnarvon. He determined then to push his views once more in South Africa, and for that work Sir Bartle Frere was selected.

The first news which met Mr. Moltano on his arrival in London was that Lord Carnarvon had arranged with President Brand the difficulties between the Imperial Government and the Free State. Lord Carnarvon had himself urged that the Parliament of the Cape by its resolution had intended to offer 'some substantial co-operation.' He had urged that the representative of the Cape Government should be in England when President Brand was there, and had accepted Mr. Moltano's offer to come over to confer. Mr. Froude had said that the Cape stood in the way of the Free State difficulty being settled, and Lord Carnarvon, in his despatch of the 24th of January spoke of the duty of

'substantial co-operation which I have repeatedly urged on your Government of reducing those pledges which were given by a former Parliament, and in consequence of which Griqualand West was brought under British rule.' Lord Carnarvon's action showed that these arguments had been unreal, and that he cared little or nothing for Cape advice ; so long as they afforded a reason for urging a Conference they were pressed, now that President Brand had refused the Conference on this point Lord Carnarvon cared nothing for the Cape advice or assistance—he only desired the Colony to pay the bill when he had called the tune.

Mr. Molteno, in order to meet Lord Carnarvon's wishes, had come over from the Cape, at great inconvenience to himself and to the public affairs of the Colony. He could ill be spared from the Colony, and this was the treatment he received. Was not the invitation merely a blind to secure the presence of a Cape delegate at the Conference? Lord Carnarvon writes to Sir Henry Barkly excusing his conduct in this respect : ' I should appear very unmindful of the consideration shown to her Majesty's Government by the Cape Government and Legislature in resolving to offer advice and assistance in connection with Griqualand West, if I were to close the account of this transaction without some reference to *the fact that they were concluded before it was possible for Mr. Molteno to arrive in this country.*'

He added that the approaching departure of President Brand had rendered it most important not to delay the settlement with the Free State, that the nature of the latter did not require the presence of the Cape representative, and that this accorded with the desire of the President that the negotiation should be conducted as between the Orange Free State and her Majesty's Government alone.

Nevertheless, though the Cape Government had not been one of the parties, he intended to invite its representative to

confer on the proffered assistance relative to the settlement of Griqualand West. Lord Carnarvon added :—

Her Majesty's Government have left entirely untouched and open to free consideration hereafter the very important question of the future government and political position of Griqualand West, as to which it would have been improper, and indeed, impossible, for me to attempt to arrive at any conclusion as a part of a specific negotiation with another Government, and without full knowledge of the views and feelings of the inhabitants of the province and the Cape Legislature.¹

Lord Carnarvon now enclosed a copy of this despatch in his first communication to Mr. Molteno, which stated :—

Lord Carnarvon desires me in the first place to express his satisfaction at your arrival in this country, invested by both Houses of the Cape Parliament with power and authority to give effect to their desire that her Majesty's Government should receive the assistance of the Colony in making provision for the future administration of the province, and in order that you may be in a position to enter into communication with his Lordship on this subject without delay, Lord Carnarvon thinks it desirable that you should have a correct account of his negotiation with President Brand, as to which inaccurate reports may not probably have reached you.

The result of this negotiation which, as you are aware, was according to previous agreement conducted between the Orange Free State and her Majesty's Government alone, and to which no Colonial Government could be a party, is sufficiently explained in the despatch, of which I am to enclose a copy; and you will perceive that, by the rectification of a disputed frontier, and by removing all questions as to her Majesty's title to the territory of the province, it has cleared the way for the next and not less important step, namely, the consideration by his Lordship and yourself of the means by which it is to be maintained and governed.²

We may observe that the terms of the resolution of the Cape Parliament said nothing about ' the future administration ' of Griqualand West, and, further, Lord Carnarvon now says no Colonial Government could be a party to settling

¹ *I. P.*, C—1631, p. 70.

² *I. P.*, C—1631, p. 72.

the question with the Free State, yet the Cape Government had been invited to assist by Lord Carnarvon himself; Mr. Froude had made it a charge against the Cape Government that it had refused to take any part in the negotiations between her Majesty's Government and the Free State, while its assistance was vitally necessary for effecting a settlement. Now, however, Mr. Molteno is to be invited only to pay the bill.

After much consideration of the subject Lord Carnarvon is disposed to think that the co-operation of the Cape can hardly avoid taking one of three forms, viz. either (1) The incorporation of Griqualand West as an integral part of the Cape Colony; (2) The association of the province in a Federation with the Cape; or (3) The payment to the province of the customs duties levied in ports of the Cape Colony upon goods consumed in the province; with any similar refund which may be found reasonable of revenue unquestionably contributed by the population of Griqualand West; the Government of the province and its constitutional relations with the Cape remaining unaltered.

With regard to the first alternative, Lord Carnarvon remarked :—

that he has received representations from Griqualand West against this course, which would render further inquiry and reference to the province necessary before he could commit himself to an opinion as to its expediency.

The position was clearly entirely altered from what Mr. Molteno had a right to expect it would be on his arrival. The boundary question was already settled; while the Province had been, without any reference to him, saddled with a debt of 90,000*l.* and lessened by a loss of several farms. This might well make Mr. Molteno hesitate on the very threshold of the negotiations. He had no right to force his views on the Government in the settlement of a question which had relation only to a Crown Colony and its neighbours.

There was a further surprise in the course adopted by

Lord Carnarvon. After the first interview, for the interchange of compliments, instead of a series of interviews being arranged, in which to exchange his views with the Secretary of State, the above suggestions were handed to Mr. Molteno in a cut and dried despatch. It is obvious that Lord Carnarvon laid stress on his second and third solutions by his reservation on the first. Mr. Molteno considered the incorporation of the Province with the Cape to be the true solution of the question; but how could he become its avowed advocate in the face of Lord Carnarvon's statement that the Province had petitioned against it, and his own avowed intention of silence concerning it? Yet curiously enough, Lord Carnarvon, after starting by saying he would not even express an opinion on the subject, winds up towards the end of the negotiations by urging its acceptance with unseemly vehemence.

The evident intention of Lord Carnarvon's first letter was to bring on a discussion, which, under cover of reference to a particular State, would involve the general principles of confederation. The toils were well spread, but the quarry was wary. Mr. Molteno declined a written discussion, which might have taken place equally well had he remained at the Cape, and which might have given a handle to his enemies. For a statesman to make public a particular line of action on a matter involving strong feelings long before the possibility of consummating it can arrive, is courting difficulties altogether gratuitously. He replied that under the altered circumstances of the case he should like to consult his colleagues before committing himself to any definite engagement, and that all objection to this postponement of the question was removed by the fact that Lord Carnarvon could not express any opinion on the first issue without first consulting the people of Griqualand West; he therefore wisely declined the correspondence, and courteously hinted that if an interview were granted to him he should be

pleased to place any information he was able to give as to the affairs of the Colony at the service of Lord Carnarvon. He proceeds :—

I would represent to your Lordship in the first place that the Minute of the Cape Ministry, upon which the Legislative resolutions authorising my mission were founded, expressly contemplates my proceeding to England during President Brand's visit to that country for the purpose of rendering, on the part of the Government, its counsel and cordial assistance in settling the difficulties which have arisen out of the extension of British jurisdiction to the territory known as Griqualand West; the presence of President Brand will no doubt greatly facilitate such settlement, and Ministers will do all in their power to promote it.

I now learn from your Lordship that a satisfactory arrangement of the difficulties in question had been concluded a fortnight before my arrival in England, and it would thus appear that the main object of my mission has been accomplished without my having had the opportunity of rendering that counsel and assistance which it was thought probable would be required. As regards, therefore, your Lordship's invitation that I should state my opinions and suggestions on the whole subject, and particularly as to the future government and maintenance of the province of Griqualand West, I desire to submit to your Lordship that the difficulty with the Free State having been overcome, there does not appear to be the same necessity for the immediate settlement of these important questions as would undoubtedly have existed had their adjustment constituted a requisite preliminary to concluding the agreement with that State; and I note that your Lordship, in paragraph 6 of your letter under reply, recognises the need of a reference to Griqualand West in regard to the first of the three alternatives mentioned by your Lordship, viz. the incorporation of Griqualand West as an integral part of the Cape Colony, and also in paragraph 17 of your despatch to Sir Henry Barkly, the expediency of obtaining, as respects the general question of the future government and political position of the province, a full knowledge of the views and feelings of the inhabitants of the province and the Cape Legislature.

While in view of these circumstances I am unable to perceive that any appreciable advantage would be gained by my now entering, at this distance from my colleagues, upon what I apprehend would be a long and tedious correspondence with your Lordship—from engaging in which I would gladly be excused—I wish at the same time to renew the assurance I have already had the honour

of giving in my communication of the 5th inst., that I am anxious to place your Lordship in possession of all the information which I can render in this and kindred matters. From the interview which your Lordship was good enough to accord me on the day after my arrival in London, I was disposed to expect that I should be favoured with an intimation of your Lordship's wishes in respect to a convenient time for personally discussing with your Lordship those matters on which you might be desirous of consulting me, and I learn with pleasure from Mr. Ommaney's note of yesterday's date that your Lordship is only deferring the appointment of a further interview until the receipt of my present communication.

The marked advantages attending a personal consultation, as compared with those afforded by official correspondence—advantages clearly recognised in your Lordship's published despatches—had much weight in determining the Colonial Legislature to sanction my present mission, and I can entertain no doubt that conversation with your Lordship on the questions which you indicate will not only tend to facilitate a thorough understanding of them, but will also enable me, on my return to the Cape, to submit far more fully and satisfactorily than would otherwise be the case, these important matters for the consideration of my colleagues and the Legislature.¹

Knowing that the first course, which was the only one with any chance of being carried out, was thus being reserved by Lord Carnarvon, it was idle to discuss the question hypothetically. Moreover, no Cape politician was prepared to annex Griqualand West except at the express wish of the Imperial Government or of the Province itself. Mr. Molteno's reply has the sanction of wisdom and diplomacy. Its result was to force Lord Carnarvon's hand.

The latter was evidently anxious to get the matter settled, and was at first unwilling to take the responsibility on himself, and desirous to throw it on Mr. Molteno. The latter was equally careful. He expressed his opinion verbally that incorporation or annexation to the Cape Colony was the only possible measure. But he declined to express his intention to take action on that opinion, or to avow it as his accepted policy. The Earl himself must express his own opinion, for

¹ *I. P.*, C—1631, p. 75.

he was the present responsible ruler of the province. This Lord Carnarvon now did; he withdrew his reservation and agreed to the expediency of annexation, but he did so by pressing it upon Mr. Molteno, even to the point of telling him that unless he could come to a definite arrangement about it at once, his visit to England would be valueless.

How necessary it was to pin Lord Carnarvon to this course will be seen when we find him subsequently attempting to go back upon his own agreement and endeavouring to permit Griqualand West to come in as a province under his Permissive Bill. Mr. Molteno could now negotiate without seeming to grasp at a prize, or placing himself in a false position. His duty as a statesman doubtless called upon him to accept the responsibility of undertaking, on the part of the State which he represented, the administration of the affairs of Griqualand West; but he would have ill represented the feeling at the Cape on the subject had he shown any desire for such consummation apart from pressure on the part of the Home Government or willing acquiescence of the State itself.

After some personal discussion, Lord Carnarvon wrote that he understood that Mr. Molteno preferred the incorporation of Griqualand West with the Cape Colony, and he recognised that Mr. Molteno did not feel 'able to take any action with reference to the association even of the single province of Griqualand West in a confederation with the Cape,' and he expressed his readiness to bring the proposal for annexation before the Government of Griqualand West. Then follow three paragraphs of great importance. The Cape Government had proposed the annexation of Tembuland and Walfisch Bay.

There are two other suggestions proceeding from the Cape Government for the annexation of territory to the Cape, which Lord Carnarvon has for some time had under his consideration, and which you have in conversation urged upon him; but his

Lordship is of opinion that he cannot properly or safely advise the Queen to sanction these annexations unless the case of Griqualand West, which is now pressing, and has for a longer time demanded settlement, is at the same time provided for.

If the Cape Government should be prepared to undertake at the same time the government of the three districts, those of Griqualand West, Walfisch Bay, and Tembuland, Lord Carnarvon is disposed to think that arrangements might be made for annexing them to the Colony, subject, of course, to the reservation of the necessary power of revising the boundaries, or even of again separating the newly added territories from the Cape in the event of any fresh provincial sub-division or any form of confederation becoming desirable.

Lord Carnarvon trusts that you may be able to give him an early and definite reply on this subject, as his Lordship is most anxious to come to some satisfactory arrangement with you, and would for many reasons greatly regret your departure from this country without making provision for a condition of affairs which demands immediate attention.¹

To this letter Mr. Molteno replied by asking to be excused from entering into formal negotiation on the subject by correspondence, or on his sole responsibility apart from his colleagues; but offering to continue to discuss the matters at personal interviews. As to the concluding paragraphs of Lord Carnarvon's letter he says:—

I would briefly advert in conclusion to that portion of your Lordship's letter which refers to the proposed annexation to the Cape Colony of the Walfisch Bay country and Tembuland. After most careful perusal, I have failed in discerning the precise bearing which these proposed annexations have in your Lordship's view upon the question of Griqualand West, *but I would most respectfully record my decided opinion that it is very desirable to avoid any unnecessary delay in dealing with the two proposals in question, and I cannot escape from the conclusion that any lengthened postponement of the extension of British jurisdiction to the districts referred to would be calculated to leave matters open to serious complications hereafter.*²

To this Lord Carnarvon replied by arranging a fresh personal interview, but he expressed a doubt of the utility of

¹ I. P., C—1681, p. 7.

² I. P., C—1681, p. 9.

such a meeting if Mr. Molteno would not go further and pledge himself to annex Griqualand West; and as to the last paragraph of Mr. Molteno's letter :—

Lord Carnarvon feels constrained to add that if the delay which you deprecate in arriving at a settlement of the question of the Walfisch Bay and Tembuland is open to so much risk, the delay which you think yourself obliged to interpose in the settlement of the Griqualand difficulties appears to his Lordship to be not less fraught with objection and danger.¹

We may here observe that Lord Carnarvon had mixed up the annexation question with the confederation question. He at first said that Walfisch Bay would be a harbour for the province of Griqualand West in his proposed federation. Sir Henry Barkly writes to Mr. Molteno, under date October 3rd, 1876 :—

I had a letter a few days ago from Mr. Palgrave, who seems sanguine that the Damaras would ask to come under the Cape Government. *I hope you have convinced Lord Carnarvon that Walfisch Bay could not make a seaport for Griqualand West.*

Mr. Palgrave was the Special Commissioner of the Cape Government to arrange with the Damaras for their annexation to the Cape. Lord Carnarvon now makes his consent to the annexation of Walfisch Bay depend on the annexation of Griqualand West. Which was the more imperially minded statesman? Surely Mr. Molteno, who saw the difficulties which might arise in the future if this coast line was left open, and whose foresight has been so amply justified; for this refusal of Lord Carnarvon allowed the Germans to take Damaraland, and now we have the greatest military power in the world settled behind our South African Colonies. The German Emperor's telegram of January, 1896, to President Kruger shows how embarrassing the neighbourhood of this power may become. Mr. Molteno endeavoured as a statesman to settle the matter at a time when there was no diffi-

culty in so doing. Arrangements were made with the natives, who were most anxious to come under our rule, and no claims of European powers conflicted with this extension of British territory up to the Cunene River—the Portuguese boundary proposed by Mr. Molteno. Lord Carnarvon prevailed on the latter to consent to the annexation of Griqualand West, but he deferred the annexation of Damaraland, as he thought it would act as a lever to force Mr. Molteno to fall into his plan of urging a premature confederation of South Africa. The Empire has suffered the loss of territory, and has been put to serious expense in increasing the Cape garrison in consequence of this action. We feel to-day a sense of insecurity in South Africa, which would have had no existence had Mr. Molteno's proposals been acceded to by Lord Carnarvon, whose fancies and dreams of Confederation were allowed to interfere with the wise and practical steps for the consolidation of British territory in South Africa.

Mr. Molteno brought up the subject of the annexation of Damaraland in the Governor's speech in every subsequent Parliament; but Lord Carnarvon continued to refuse to give his assent to the letters patent, the only formality now wanting to complete the annexation to the Cape.

After another personal interview, Mr. Molteno writes that he did not understand Lord Carnarvon's expression of his readiness to bring the question of annexation of Griqualand West before that province to signify, as he now learned it did, that:—

Your Lordship entirely concurred with me in the view that such incorporation would be the preferable course to adopt. But in conversation yesterday your Lordship was good enough to indicate that the import of the paragraph to which I refer was to the effect that if I could assure you that I was in a position to consent to or to undertake to press upon the Colonial Parliament the incorporation of the province with the Cape, your Lordship was prepared to take measures, which, as far as Griqualand West itself was con-

cerned, would virtually adopt the principle of incorporation, and prevent further delay in the settlement of the question. . . . I beg, therefore, to state that although, as I have already had the honour of representing, I should have preferred such brief postponement of the affair as would have enabled me to consult my colleagues in the Colonial Government, I am so impressed with the conviction that under all the circumstances the incorporation of Griqualand West with the Colony will be the best and most satisfactory solution of the matter, that, in view of your Lordship's representation of the urgency of the case, and of my own earnest desire, as the representative of the Colony, to meet to the utmost of my ability the wishes of her Majesty's Government, I am willing to undertake the responsibility of supporting that course as the one which most commends itself to my judgment, and of pressing its adoption upon the Colonial Legislature accordingly.¹

In his reply Lord Carnarvon accepts the answer of Mr. Molteno as being such as to 'meet the present requirements of the case'; but he concludes with a significant request that it would afford him

much assistance in the consideration of the very important questions which are now coming forward with regard to the future of South Africa if you should feel yourself able to favour his Lordship with any views which you may have formed as to the general principles upon which the Colonies of Natal and Griqualand West, or the Transvaal Republic, if the cession of it to the Crown, as from recent information seems not improbable, should take place, can best be brought into connection with the Cape Colony.²

To this Mr. Molteno replies, that he is gratified to learn that the views and intentions in regard to Griqualand West

which I have had the honour of stating, appear to your Lordship to meet the present requirements of the case. Your Lordship is further pleased to invite the expression on my part of any views which I may have formed as to the general principles upon which the colonies of Natal and Griqualand West or the Transvaal Republic, if the cession of it to the Crown should take place, can best be brought into connection with the Cape Colony. Being now on the eve of my departure from England, and not having given to this question—which affects so intimately the future welfare of South Africa—the mature consideration which I should wish to bestow upon it, I trust that your Lordship will allow me

¹ *I. P.*, C—1681, p. 10.

² *I. P.*, C—1681, p. 11.

to defer for the present any detailed statement on the subject, and will accept my assurance that, after my arrival at the Cape, the matter shall receive from the Colonial Government the attention which its importance demands.

I would at the same time beg to observe that, as your Lordship will have gathered from me in the course of conversation, I incline to the opinion, taking a general view of the question, that the mode in which the unification of South Africa could eventually be most satisfactorily effected and maintained, would be by the gradual annexation of the several minor colonies and states to the Cape Colony, due provision being made for relegating to local administration matters which may properly be regarded as local in character and application, not demanding action on the part of the general Government.¹

We may observe that Mr. Molteno refused to be drawn into a discussion on the annexation of the Transvaal. It is of interest to observe that this appears to be the first public statement by Lord Carnarvon that he contemplated the annexation of that state. Mr. Molteno here formally enunciates his policy of Annexation as opposed to Confederation. This policy would have been preferred in the case of Canada had it been possible there.² It is in conformity with the natural progress of settlement and development in South Africa. And, moreover, he possessed a complete knowledge of all the conditions and circumstances of South Africa, gained from a wide and lifelong experience; he brought to bear upon these facts large powers of observation and acknowledged sagacity, his grasp of South African questions was utterly beyond the reach of any stranger like Lord Carnarvon, whose life had been spent elsewhere, and whose energies had been spread over the whole extent of the Empire.

Mr. Molteno rightly read the facts. A policy of annexation provided the method for assimilating the various outlying portions of South Africa as soon as they attained to similar conditions of development. This could not be attained simultaneously by all the colonies and states

¹ *I. P.*, C—1681, p. 11.

² *Colonial Policy of Lord John Russell's Administration*, . 49.

and territories, and we have already drawn attention to the dissimilar stages in which they were when Lord Carnarvon made his attempt to confederate them. Mr. Molteno's policy of annexation has hitherto given the best results in the direction of consolidation in South Africa. When we examine the history of British rule in South Africa, we find that there has been an evolution of administrative development which has been successful in safeguarding the interests of the colonies and territories there, and has also safeguarded the interest of the tax-payer at home. Only where this evolution has been deliberately set aside to follow a delusive short-cut have we experienced loss and trouble.

To state this evolution more clearly, we have had the Cape Colony, the first and oldest of our possessions, passing through all the stages. First, the Crown Colony, administered directly from home by Administrators or Governors responsible only to the Home Government; then the local Council was added, then a part of this Council became representative and a means of ascertaining, and in some degree acting in conformity with, public opinion. Then part of it became elective, though this was necessarily a minority, and again a Legislative Council was established. At a later stage a Legislative Assembly was added also, but still without a government responsible to the local opinion through representative institutions. Finally, the last stage was arrived at in South Africa when, in 1872, there was established responsible government in the Cape Colony as in Canada and as in Australia, the executive being composed of persons practically nominated, as in England, by the community. Grafted on to this main trunk we have a series of similar stages in adjacent and dependent territories.

Natal has passed through all the stages in the same way as the Cape, and has lately become possessed of the fullest measure of self government, the evolution being attended with equal success in that case.

In regard to the territory of Kaffraria we have had a

similar process. First, while the population of European origin was extremely small, and the native population enormously outnumbered it, a Crown Colony directly administered by the Imperial Government through a lieutenant-governor under the High Commissioner. The white population grew rapidly, and as soon as their numbers sufficed to elect representatives the territory was annexed, in 1865, with its revenue and its public debts, to the Cape Colony, and in this manner, through its connection with the Cape, it came to enjoy representative institutions, and eventually responsible government.

The history of Griqualand West presents similar features. Administered at first by the Crown directly, then receiving a Council who joined in all legislative measures, it was eventually annexed through the instrumentality of Mr. Molteno to the Cape Colony, by whom its debt was taken over; but no charge was placed upon the Imperial taxpayer, and this territory, through its forming part of the Cape, also eventually enjoyed the benefits of responsible government. In this instance, too, the time which has elapsed since the annexation has shown the wisdom of that policy.

Let us take another territory, the Bechuanaland Protectorate, one in a low state of development, both as regards its white population and its natural resources. Here, again, a similar course was followed. England did its duty in first administering it directly by the Crown through an Administrator under the High Commissioner; but so soon as the circumstances permitted, this outlying and less settled portion was incorporated with the Cape Colony without any difficulty, thus relieving the Imperial Government of a charge, and giving the benefit of good government without the cost of a separate establishment. This course of natural and, on the whole, highly successful evolution of administration, furnished a valuable precedent for any future dealings with the less developed but

adjacent portions of South Africa, whose possession by England was necessary for the security and prosperity of our already established colonies.

Both subsequent and previous history have amply vindicated Mr. Molteno's policy. Lord Carnarvon summed up the result of his interviews and the arrangements arrived at in a despatch to Sir Henry Barkly, to whom he wrote as follows in transmitting the correspondence to which we have alluded above :—

I have had much pleasure in making acquaintance with Mr. Molteno, and I cannot doubt that the interchange of opinions and explanations at our repeated interviews will prove of material advantage in promoting a clearer understanding hereafter on many important questions. Mr. Molteno has, as you will fully learn from him, expressed himself in favour of the incorporation of Griqualand West with the Cape Colony as the preferable alternative, among several, which I had placed before him as open to consideration. I am gratified to find that the successful conclusion of my negotiations with President Brand has, by removing all question as to the ownership of the territory, removed also any difficulty which Mr. Molteno might have continued to feel with regard to entering into this undertaking on the part of his Government.

You will observe that in my last letter to him I stated that it would be my first duty to request the Cape Government to have regard in settling the terms of annexation to the reasonable views and wishes of Griqualand West, and I have received with pleasure Mr. Molteno's assurance that they will be most carefully considered. The circumstances of the province have materially changed during the last few months, and the failure of mining and other enterprises, with the consequent departure of a large part of the population, have tended strongly to confirm the opinion which I, with many others, have always entertained, that the machinery of a separate government is more costly than a country relying in great part upon a precarious industry could wisely attempt to maintain permanently. Matters have, in fact, been brought back to the condition in which they originally stood, when both my predecessor in this office and the Cape Legislature contemplated that, after a temporary administration under the Crown, the province should become an integral part of the Cape Colony.¹

¹ *I. P.*, C—1681, p. 12.

CHAPTER XX

CONFERENCE QUESTION IN ENGLAND. 1876

Lord Carnarvon's Conference—Its Constitution—He invites Mr. Molteno—
The latter declines—Conference invites him—Proceedings of Conference—
Its Failure—Mail Contract.

WE must now return to the position of the Conference question on Mr. Molteno's arrival in England. In the light of his strenuous opposition to Mr. Froude, and to the attempt on the constitutional liberties of the Cape Colony made by Lord Carnarvon, as well as to the conspicuous success, admitted by all, of his administration of the Cape Colony, and, further, looking to the question whether he could be prevailed on to take any part in the Conference which Lord Carnarvon had decided to convene, there attached a considerable interest in Downing Street to Mr. Molteno's personality and character.

Sir Robert Herbert tells Sir Henry Barkly that Mr. Molteno had made a favourable impression in Downing Street. Lord Carnarvon invited him to visit him at Highclere, and several personal interviews at the Colonial Office enabled him to interchange ideas with the Colonial Secretary. The latter had so little practical acquaintance with the details of South African questions that he found it impossible to combat Mr. Molteno's arguments, drawn from such an intimate knowledge of South Africa as was possessed by hardly any other man in the Empire. As we have seen, Lord Carnarvon came to adopt his views as to annexation being the proper course in regard to Griqualand West.

Yet Lord Carnarvon was not frank with Mr. Molteno. He continued his intrigues with Mr. Paterson. He said nothing to the former of the Permissive Bill for South Africa which he was then drafting. Sir Henry Barkly had told Lord Carnarvon, in announcing Mr. Molteno's departure for England, that he would find him disposed to discuss freely Griqualand West and any other question which he might bring before him. He added that Lord Carnarvon might rely on his fidelity and power to fulfil any engagement he might enter into, and that he still possessed the confidence of the moderate persons throughout the Colony more than anyone else, and even in the event of a dissolution was most likely to be at the head of affairs.

It was very necessary to secure Mr. Molteno's attendance at the Conference. Lord Carnarvon had succeeded in getting him to come to England—it was now necessary to make use of his presence there to further his policy, and at any rate save appearances. Lord Carnarvon would succeed in this if he could prevail on Mr. Molteno to attend the Conference as representing the most important Colony in South Africa, while his support for any policy there decided upon would be most important.

Immediately on Mr. Molteno's arrival he received an invitation to attend 'a Conference for the consideration of certain matters affecting South Africa.' Lord Carnarvon stated that the following gentlemen would be present: President Brand, Sir Garnet Wolseley, Mr. Froude, Mr. Shepstone, Mr. Akerman and Mr. Robinson. He added that President Brand was not permitted by his 'Volksraad' to discuss the question of Confederation, but was prepared to enter upon the consideration of other questions of importance. Lord Carnarvon expressed the hope that, though the Colonial Parliament had not empowered Mr. Molteno to be present as a delegate, yet he would still attend and take part in the consideration of some of the questions; but he added that he

had no desire to put any pressure upon Mr. Molteno.¹ To this the latter replied in what was termed by Lord Carnarvon at the opening of the Conference 'a most courteous and considerate letter,' that, looking to the resolutions of Parliament and the minute of Ministers on which it was based, it would be contrary to the spirit and intention of those documents for him to assist at the Conference.²

Let us see what this Conference was which purported to represent South Africa. Its president was Lord Carnarvon himself; its vice-president was Sir Garnet Wolseley; its delegates were Sir Theophilus Shepstone from Natal, a Crown Colony, and Mr. Froude, designated by Lord Carnarvon without consultation with Griqualand West to represent that community.³ All these were Imperial officials and nominees of Lord Carnarvon himself. There were present Mr. Akerman and Mr. Robinson from Natal, but they had no formal position. President Brand was there only in regard to the native question.⁴ In fact, the so-called Conference consisted of but two men who were independent politically, Lord Carnarvon himself and President Brand! The others were only there to make a show. Was not Mr. Molteno amply justified in refusing to submit the destinies of the Cape Colony to a Conference so composed? Confederation was Lord Carnarvon's main object, but President Brand was entirely precluded from discussing this question and would withdraw at once if it came up. The Transvaal was unrepresented, and its President had told the Volksraad that he would resign at once if they had anything to do with it.

It might tend to save appearances, for Lord Carnarvon to call together a meeting that he dignified by the title of a South African Conference, but, as the 'Daily News' remarked, 'the Conference is only the shadow of a repre-

¹ *I. P.*, C—1681, p. 61.

² *I. P.*, C—1631, p. 87.

³ See despatch of the 5th of October, 1876, C—1681, p. 13.

⁴ *I. P.*, C—1681, p. 62.

sentation of the communities whose interests it is discussing.' The London 'Standard' stated that 'the South African Conference from which the Cape of Good Hope has excluded itself, in which the Transvaal Republic is not represented, and where the Orange Free State's delegate sits with tied hands, cannot be said to be such an assembly as Lord Carnarvon had in his mind when he first proposed the idea to the Colonies and States of South Africa.' It had no resemblance to the Conference originally proposed. Without the Cape Colony being represented by Mr. Molteno, it was the play of 'Hamlet' without the Prince.

This jejune representation of South Africa was itself of this opinion, for its first act was to pass a resolution urging Mr. Molteno to take part in its deliberations. Mr. Akerman was deputed to hand the resolution to him, and to press him to be present. Lord Carnarvon formally transmitted another resolution in a letter to Mr. Molteno,¹ in which he informed him that it was adopted unanimously at a sitting of the Conference, and he would observe from the resolution 'that in the opinion of the members of the Conference present it is essential that you should be earnestly invited to take part in discussing with them the policy to be adopted in reference to the trade in arms.' It was added that Lord Carnarvon,

while anxious not to put any undue pressure upon you, cannot but concur in this resolution on general grounds, and I am further to acquaint you that in his opinion and that of the Vice-President's, the news received within the last few days respecting the hostilities between the Transvaal and the neighbouring native tribes has greatly altered the circumstances of the case, and renders it still more important in the interest of South Africa that some general agreement should now be arrived at as to the policy to be adopted in relation to the trade in arms. He trusts that the resolutions of the Cape Parliament will not be considered by you to preclude you from conferring in the present circumstances on this particular question with those best qualified to guide the decision of her Majesty's Government.

¹ *I. P.*, C—1631, p. 74.

To Mr. Akerman Mr. Moltano replied verbally that he was not authorised by the Parliament to attend any conference, and further that his own view was that it was premature to press confederation upon South Africa, and he could take no steps with this object in view. Upon receiving Mr. Moltano's refusal to join the Conference or take part in its discussion Lord Carnarvon suggested that he might appear before it as a witness. To this Mr. Moltano replied that

the grounds upon which I felt it my duty, as intimated in my letter of the 3rd inst., to respectfully decline your Lordship's invitation to assist at the Conference appear to me to apply with equal if not greater force to the present proposal. In my judgment, to attend the Conference as a witness and offer views and opinions for consideration, in the discussion of which I should not—from the position I have held it right to maintain—be able to take part, would be a course at once highly unsatisfactory and incompatible with the tenor of the resolution of the Cape Legislature. While, therefore, I consider myself bound to decline with all respect to appear before the Conference in the manner proposed, I desire most distinctly to assure your Lordship that I shall at all times be prepared to render your Lordship every information in my power on the matters to which the latter portion of your letter refers in accordance with the minute of the Cape Ministry.¹

To the suggestion that the outbreak of hostilities between the South African Republic and the neighbouring native-tribes augmented the importance of arriving at a general agreement between all the colonies and states as to the policy to be adopted in relation to the trade in arms, Mr. Moltano replied:—

I am certainly (although well aware of the great importance of the question, and the very serious difficulties which beset it) not in a position on behalf of the Colony which I have the honour to represent to enter into any such agreement as that *which appears to be in contemplation*, however desirable it may be.²

¹ I. P., C—1631, p. 76.

² I. P., C—1631, p. 74.

He stated at the same time that if his Lordship should think fit to favour him with the result of the deliberation on the trade in arms at which the Conference with his Lordship might arrive, together with an intimation of his Lordship's views thereon, it would afford him much pleasure to give the same his most careful consideration, and he would then be enabled on his return to the Cape to bring the matter in its completeness before his colleagues and the Colonial Legislature.

Lord Carnarvon, in reply to the latter portion of Mr. Molteno's letter, said that

the South African Conference, under the presidency of Sir Garnet Wolseley, expressed its view upon this question in the following unanimous resolution: 'The Conference regrets extremely that Mr. Molteno feels prevented from attending the meeting of this Conference to assist in considering what is commonly known as the arms question.' Lord Carnarvon shares the feeling of regret thus expressed, and he will take a later opportunity of communicating with you upon the subject referred to.¹

The Secretary for the Colonies opened his Conference on the 3rd of August, 1876, in a speech which exhibited no special knowledge of South Africa and no signs of marked ability, and which reminds us of Lord Blachford's observation that his presidency of the Canadian Conference was disappointing. To anyone with a real acquaintance of South Africa this opening speech was equally so. It betrayed its origin in the inspiration of Mr. Froude's imperfect observations of South Africa.

He began with a welcome to the delegates, and as to the Cape he said:—

I had hoped to have welcomed Mr. Molteno, the Prime Minister of the Cape Colony, though aware that he has come over from the Cape fettered by a resolution of the Assembly of that Colony which confines his official and formal communications to

¹ *I. P.*, C—1681, p. 79.

particular subjects. At the same time it was due to him, due to the great Colony he represents, and certainly in accordance with my own feelings, that I should offer him a cordial invitation to be present here to-day. I have received from him a most courteous and considerate letter, from which I understand that while he would be personally very glad to attend, and also very glad, as I have no question, to give any assistance to the Conference, he yet feels himself so tied by the resolution of the Assembly that he doubts whether it would be in accordance with the spirit of the resolution of that body that he should assist at our deliberations to-day. I feel confident from the tone of his letter that, so far as he conceives himself at liberty to do so, he will be ready to give us any assistance at any future stage of our proceedings.¹

Lord Carnarvon then announced in an ostentatious manner that Mr. Shepstone had received a mark of royal favour in the honour of the K.C.M.G. This was evidently held out as an inducement to the delegates to further his policy, personal honours being their reward. He again repeated that he did not wish to force his policy, it must be 'the result of a clear conviction on the part of each state entering into it.' He did not, however, conceal from the Conference that in his opinion it was extremely desirable, and he added that 'it is clear that the effect of confederation would be to give to these great colonies even a fuller and larger measure of self-government than that which has yet been accorded to them.' When we come to examine his Permissive Bill on which he was already engaged we shall see how far this was his real purpose and intention.

He next proceeded to discuss the native question; and in this he showed his complete reliance upon the imperfect information which Mr. Froude had afforded him, and he made the extraordinary statement that 'the usual method of payment in South Africa for work done and labour given seemed to be by arms.' This was quite wrong; in the Cape Colony the payments were made in specie by the Government and many private persons as well, while in the case of others it was made

¹ *I. P.*, C—1631, p. 62.

in stock. As to the possession of arms, a permit was required both for the purchase and removal of a gun by a native. It was only in Griqualand West, under direct Imperial rule, where the sale of guns was said to be an absolute necessity.¹ There was, however, a further difficulty in the fact that large quantities of arms were introduced through Delagoa Bay² and Walfisch Bay, which were quite beyond Imperial or Colonial control.³

While engaged on the native question he took occasion to condemn the war with the natives, which was proceeding in the Transvaal, as a war for which he had 'seen as yet no sufficient justification,' while he held it to be 'unfair to the natives to deprive them of their means of self-defence.' We may remark that this is the man who sent out Sir Bartle Frere, who initiated the policy of disarming the natives in South Africa with such disastrous results. He admitted that so far as the treatment of the natives was concerned he was

quite aware how much had been done in the Cape Colony, and how liberal the policy there had been, and it will, I hope, be possible, without coming into conflict with the resolution of the House of Assembly to which I have alluded, to obtain from Mr. Molteno information on some points as to the native policy which has been pursued there, and which it may be desirable that we should consider. . . . In our efforts to improve the native races, we have to look not only to their civilisation in the ordinary sense of the word, but also to the communication of a higher morality and a truer knowledge of religion than they unfortunately now possess. All these are considerations of the gravest nature, considerations

¹ Sir H. Barkly writes under date the 16th of September, 1876, to Mr. Molteno: 'I hope you will still take the opportunity of stating your views to Lord Carnarvon, preventing his misapprehensions imbibed from Mr. Froude as to wages being paid in guns and importation by hundreds of thousands.'

² Sir H. Bulwer to Lord Carnarvon, *I. P.*, C—2000, p. 42.

³ We may observe that Delagoa Bay had just been lost to Great Britain as the result of an arbitration, as far as we can tell, carelessly entered into, and that Lord Carnarvon had only just refused to Mr. Molteno to extend British Colonial jurisdiction to Walfisch Bay.

which have doubtless been before the mind of the President of the Orange Free State, have certainly been recognised both by the Cape and by Natal, and which in this country we accept as a duty and a trust of the highest possible nature.

He concluded with an appreciation of the importance of South Africa to the Empire :—

It would be idle, as it would certainly be contrary to my intention, to ignore the fact that there are Imperial interests in South Africa of the highest possible value, interests which affect not only England, but India, Australia, and New Zealand, as well, indeed, as many other colonies. There has sometimes been misapprehension on this point, and it has been supposed that there might be indifference on the question, or even some disposition here at home to neglect these considerations. No one could fall into a greater mistake. There is certainly not the slightest intention of abandoning any Imperial rights. Of course the concern of this country in South Africa is not to be measured by the actual number of troops that are maintained at the Cape at any time. That number is undoubtedly in excess at this moment of what strictly Imperial interests may require, though it is of very great advantage to every single member of the European family in South Africa. The presence of those troops is a guarantee beyond measure for the peace and consequent prosperity of that great continent. But England is not, and never has been, niggardly in these matters—she has no desire to make up a strict debtor and creditor account.¹ She has accepted freely her position as the paramount power of South Africa with its duties and its responsibilities, and whilst determined generally to maintain her Imperial interests there, she rejoices to use her great power and means for the advantage of her colonies and her neighbours.

¹ It is remarkable that Lord Carnarvon should have used this language. The idea which he repudiates was what he had actually done. Lord Carnarvon had in his former term of office addressed a despatch to Sir P. Wodehouse as to the payment by the Cape for the troops there. 'During the year 1869 payment must be made at the same rate for all infantry in the Colony in excess of one battalion. And for three years after the expiration of 1869 payment must be made for the whole force in the Colony at the Australian rate—that is to say, at the rate of 40*l.* a head for every infantry soldier, and, 70*l.* for every artilleryman. If at any time default is made in these payments her Majesty's Government will be at liberty to withdraw the troops from the Colony either wholly or to such extent as they may deem expedient.' (*I. P.*, C—459, p. 1.) This money was a debtor and creditor account with a vengeance

This is all admirable, and the only pity is that Lord Carnarvon, in acting on these views, did not utilise the experience of the High Commissioner in South Africa as well as the unanimous recommendations of the Colonial Ministers. The sequel certainly shows that immense loss of life and treasure and great injury to both whites and natives would have been avoided, while the race feeling would not have assumed the serious importance which it has for us to-day, had Lord Carnarvon deferred to the opinion and advice of those on the spot who were well qualified by their experience and the responsible position which they occupied to give him the best advice.

As soon as he had finished his address President Brand rose, and stated that he could be present only at the discussion of 'the question about free trade in arms and ammunition, and a uniformity of law amongst the native tribes of South Africa,' but he could take no part 'in a negotiation with reference to a confederation of the colonies and states of South Africa by which the independence of this State can be endangered'—he would withdraw at once should this question be discussed. As a matter of fact, as soon as President Brand withdrew the Conference expired, and confederation was never discussed in it at all. Lord Carnarvon did not stay to argue with President Brand as to his powers at the Conference, but took up the matter by correspondence, and as with the Cape, so with the Orange Free State, attempted to interpret to the responsible authorities the resolution of their own representative Chambers.

The first resolution of the delegates to the Conference, as we have already stated, expressed their regret that Mr. Molteno was not present and, further, that it was 'essential that he should be earnestly invited to take part in discussing' the sale of arms. A resolution as to the desirability of encouraging individual ownership amongst the native tribes

was then passed, Mr. Akerman, one of the Natal delegates, dissenting. Another resolution asserted that no law for the restriction of arms was possible unless this course was agreed upon by the various European Governments in South Africa, and that her Majesty's Government should undertake to get the co-operation of all the governments concerned. A further resolution was carried that natives should be allowed to have a moderate quantity of alcoholic liquor, but that great care should be taken in carrying out this permission.

The formal resolution of regret that Mr. Moltano was prevented from attending the meeting of the Conference was passed after Lord Carnarvon had submitted his correspondence with Mr. Moltano to the Conference, a correspondence the tenor of which we have already seen. A resolution was proposed by Mr. Froude as to the apprenticeship system which he had advocated in South Africa, and which he now brought forward, but this the Conference refused to accept; it preferred 'not to advocate the adoption of the ancient European method of compulsory apprenticeship or any compulsion at all,' but that natives should voluntarily place their children under farmers and artisans where they might learn to become useful members of society. Finally, a resolution as to the native pass law in various states was carried, admitting the necessity of individual state action. But as already stated the whole proceedings were entirely abortive, and were never referred to again; indeed, the resolutions to which we have referred above were never officially made public.¹

When its composition became known in South Africa it was recognised that the so-called Conference might serve to blind the enlightened British public and to save the reputation of Lord Carnarvon, but that it was in no sense a South

¹ A report was handed to each delegate, and to the kindness of Sir John Akerman, who was a delegate, I am indebted for a perusal of this report from which the above particulars are taken.

African Conference. Looking to the debate and resolutions of Parliament, no surprise was manifested at Mr. Molteno's absence, and Griqualand West raised a vigorous protest against Mr. Froude being called its representative.

We are a freeborn people, whose right to elect a representative at the deliberation of any measure concerning our welfare is as indisputable and perfect as the British Constitution. Lord Carnarvon should have known that unasked favours, like unasked advice, are never valued, and deeply sensible as we are of his Lordship's kind intention, when we put our future in the hands of Mr. Froude we cannot but express our dissatisfaction at the indifference which has been shown to our feelings. When an outsider like Mr. Donald Currie was invited to assess the damages we were to pay, and when Mr. Shepstone and others from Natal were asked to assist in that assessment, we were surely entitled to the poor courtesy of being cited to defend our interest. We respect Mr. Froude for many things, but we do not recognise him as our representative.

There was one matter which Mr. Molteno had greatly at heart and which he was able to advance by his visit to Europe. The question of fast steam communication between the Colony and the Mother Country had been one to which he had given great attention, and to which he attached a very great importance. He had asked Parliament for power to conclude a contract for the conveyance of mails with the two companies now serving South Africa, the Union Company and the Castle Company, dividing the service between them. A very lengthy negotiation ensued between him and the representatives of the companies, and the strongest pressure was brought to bear upon him to give up his demand for a weekly mail service. A service of forty-eight sailings per annum was suggested instead of fifty-two, which would be involved in a weekly service, but no argument could move his determination to have the latter. He was ready to pay for rapid communication, which he thought so essential to the prosperity and

advancement of the Colony. It was arranged to give a large subsidy and premiums for speed above the contract maximum. This contract was most effectual in inducing the companies to run at a speed never previously attained. It entailed very large payments for these premiums in the last years of the contract, but the success of the policy was complete.

CHAPTER XXI

THE PERMISSIVE BILL. 1876-1877

Lord Carnarvon's Intrigues with Mr. Paterson—He passes over Ministers—Announces Policy of Permissive Bill—Annexation of Transvaal—The Permissive Bill—Its Impracticability—Breach of Faith in regard to Griqualand West—Ministerial Protest—Lord Carnarvon admits its Validity—Reactionary Character of Bill—Discrepancy between Lord Carnarvon's Public and Secret Action—Letter to Sir Bartle Frere—Resolved to Force his Policy—Hostile Reception of Permissive Bill in South Africa—Details of Bill—Attempts to Coerce South Africa—Reception of Bill in Natal—In Transvaal—In Free State—In Eastern Province—In the West—Mr. Molteno's Speech at Beaufort—Banquet to Sir Henry Barkly—His Departure—Success of his Administration—Our great Colonial Governors.

It was well known while Mr. Molteno was in England that Lord Carnarvon was continuing his intrigue with Mr. Paterson for the former's overthrow. Lord Carnarvon looked upon Mr. Paterson as a future Prime Minister of the Cape Colony, and he had made up his mind long since to promote his early advent to power as soon as possible. Mr. Paterson did not hesitate to tell his friends that the annexation of the Transvaal to the British Empire was vital to him and his constituents, the merchants of Port Elizabeth, to whom, he declared, about a million pounds were owing from the Transvaal, of which there was small chance of payment unless the annexation took place. No doubt a rise would take place in the value of land, and the Transvaal 'greenbacks' are said to have risen from about 1s. 6d. to par on the annexation becoming a fact.

Lord Carnarvon told the Governor, under date the 31st of August,¹ that though he could not recognise Mr. Paterson as

¹ *I. P.*, C—1681, p. 5.

a delegate at the Conference, yet he would not neglect to avail himself on an early occasion of learning his views, and indeed that he had 'already had the opportunity of receiving Mr. Paterson's representations on many points of importance.' Mr. Molteno had hardly left England before Lord Carnarvon gave public prominence to Mr. Paterson's representations. On the 26th of October, just three weeks after his departure, Lord Carnarvon gave public audience to a deputation arranged by Mr. Paterson which purported to represent the Cape, but which was in reality a deputation of Eastern Province or Port Elizabeth merchants, and had evidently been arranged between Lord Carnarvon and Mr. Paterson to enable the former to prepare the public for his policy of the annexation of the Transvaal and his Permissive Bill for South Africa.¹

The speakers began by assuring the noble Earl of the unanimous approbation with which they viewed the success of his confederation policy. They urged that the opportunity afforded by the Transvaal war to interfere there under cover of extending 'the same policy with regard to the natives which had been so signally successful in the Cape Colony' should be availed of. It was contended that, although the war itself was much to be regretted and was full of danger, it would, if properly used, afford a most admirable opportunity which ought not to be let slip 'to press forward the policy of confederation.' Sir Theophilus Shepstone's mission² was referred to with approval, and the hope was subsequently expressed that he might annex the Transvaal. Lord Carnarvon now stated that Sir T. Shepstone 'would not go out there to carry out a policy which was adverse to any views which her Majesty's Government have ever expressed.' He repeated his regret that Mr. Molteno was not present at the

¹ For a report of the proceedings see *I. P.*, C—1732, p. 1.

² Sir T. Shepstone had left England at the end of September with secret instructions.

Conference, and that it was impossible to have the opinion of men so well qualified as were the delegates chosen by the Eastern Province of the Cape.

But every person in this room will readily admit with me that where representative institutions have been given to a Colony like the Cape, the Minister at home must be the first person to hold himself bound by, and scrupulously to respect the principles of those representative institutions; and therefore it is quite impossible for me to receive a formal representation at such a Conference, except through the medium of persons who have been formally accredited to me by the Colonial Parliament. Whatever may be the differences which may exist within that Parliament, it is only through the voice of the majority of that Parliament that the Minister at home can receive any answer or can accept any representation. At the same time I hope that you will also do me the justice to feel that, placed as I was in a somewhat difficult position upon this point, I was anxious that outside the Conference I should not be debarred from the advantage of receiving the fullest representations that might be made to me by those gentlemen who I knew had the confidence of the Eastern Districts of the Cape Colony. It would be impossible to choose any men more competent to express the opinion of the Eastern District than Mr. Blaine and Mr. Paterson, and I rejoice to say that I have received from them, and I may particularly add from Mr. Paterson, information of the most valuable kind on many more than one single point—valuable in itself, valuable also in the sense of having been given by one so deeply interested in the Cape Colony in which he is so distinguished a member of Parliament.¹

He mentioned that, although Mr. Molteno considered himself precluded from attending the Conference,

I had the satisfaction of communicating with him personally and most freely on many subjects which are of the highest importance. I arrived at a clear understanding touching the settlement of the Griqualand difficulty, and was enabled to discuss with him other questions, and so I trust to render the solution of that important subject which you have brought before me to-day easier than it ever has been up to the present time.

But now he takes these unofficial members into his confidence and communicates to them what he had withheld

¹ I. P., C—1732, p. 11.

from the accredited plenipotentiary of the Cape Colony. He seemed to feel that he was not doing what was quite correct, and excused himself in the following words :—

It was my wish to give all explanations to anyone accredited by his Government to receive those explanations of the views which I entertain. Mr. Molteno's position was however such that it precluded him from entering fully into this question with me ; but as I have been repeatedly asked to explain, at length and in detail, the mode in which her Majesty's Government would desire to see their policy of confederation carried out, I think it will be convenient, and can give no possible cause of offence to any party in the Cape Colony or elsewhere, if I bring before the Cape Colony, through its Government, the general principles upon which it seems to me that such a confederation might fairly and properly be carried out. In fact, looking to the very critical state of things in South Africa, I think it would be hardly right if her Majesty's Government were any longer to be reticent on such a point and refuse to give that information which all parties seem to be entitled now to claim.

With that view I may tell the deputation that I am at this moment considering the principles of a measure which I hope may carry out the views which we hold, and which may repeat the general wishes of all the parties locally interested. *It would however be clearly wrong if I were to give any explanation even to such an important deputation as this upon matters of detail, when those explanations are justly due in the first instance to the Colonial Government.* Everyone in this room I am sure will go along with me on that point, and will recognise my anxiety now, and in truth I may say always, to do nothing which could encroach upon the rights and liberties of the Colony, or to stint any of that consideration and the regard which the Home Government has ever paid to the Colony and its institutions. But I may say this, that such a measure as I am now contemplating, would, in its nature, be essentially a permissive one, and would be open to the spontaneous acceptance of each of the colonies and states of South Africa. In that Bill I desire as far as possible to provide the necessary power to confederate, giving an outline of the constitutional machinery, but leaving it as much as possible to local knowledge and experience to fill up the details of the scheme.

He concluded by paying a powerful tribute to the native policy of the Cape :—

I should think it very wrong when touching upon such a theme as this if I failed to do justice to that which I consider to be the extremely liberal and fair policy which the Cape has endeavoured for many years to follow in its relations to the native tribes. The Cape at this moment is receiving in a great measure the reward of that policy in the tranquillity of the frontier under very critical circumstances.¹

Mr. Paterson forwarded the report of this deputation and Lord Carnarvon's reply in pamphlet form to the Cape, a step which gave rise to the following comment :—

There can of course be no possible objection to any number of private gentlemen waiting on the Secretary of State and giving him their opinions as to the condition of affairs in South Africa, providing it is distinctly understood that in no sense do they officially represent the Cape Colony. It has been too much the fashion for old colonists in England to assume that they know the feelings of Canada, Australia, New Zealand, and South Africa, forgetful that a few years, sometimes even a few months, make a great change in the current of public opinion. Carried away by their assumed knowledge of existing circumstances in the Colony, these gentlemen have sometimes taken upon themselves to speak for one or the other of the dependencies of the Empire, but as a general rule they have, unintentionally no doubt, given an erroneous representation of the state of things in any particular Colony. Some five or six years ago this threatened to become a serious danger, and some Colonial Governments—Queensland in particular—took strong exception to such unauthorised representation, and begged that in future no statement made in Downing Street by persons not formally and officially accredited by the Government of the Colony might be permitted to influence her Majesty's Government.²

The same principle was stated by the Imperial Government itself, when Lord Carnarvon, speaking officially as Secretary of State, said that—

the wishes of the colonists are likely to be more favourably and effectually brought before the Home Government by the local Ministers who are in immediate contact with the communities they represent, and through the Governor who is responsible to her Majesty for furnishing all requisite information, than by persons acting in pursuance of their own views under

¹ *I. P.*, C—1732, p. 15.

² *Argus*.

influences not always identical with those which are paramount in the Colony, and without the guarantee which their recommendations may derive from having passed through the Governor's hands.

There can be no doubt that this is the correct view of the case, and therefore whatever weight may be given to the gentlemen who formed the deputation to Lord Carnarvon, they certainly were not authorised to speak for the Colony. Only the Colonial Parliament and those delegated by it can do that. And there were to be found among merchants and others interested in the Cape, but resident in London, some who fully realised this constitutional principle. In the London 'Daily News' of the 28th of October we find the following letter from Mr. William G. Soper :—

As a merchant interested both in the Eastern and Western Provinces of the Cape Colony, suffer me to call attention to a principle, and as a matter of fair play to make an explanation. The principle to which I allude is that where—as in the case of the Cape—a Colony has its own representative institutions it cannot be other than prejudicial to the public interests to allow partial representations of disputed points of Colonial policy to be made directly, and of necessity unofficially, to the Imperial Government, and in this way tend to produce the impression on the British public that it is the Cape which is speaking, whereas it is only a minority at the Cape. The voice of the Cape Colony to the Imperial Government can only be authoritatively announced from her Parliament and through her Premier. The explanation which I venture to offer is that the gentlemen who yesterday waited on Lord Carnarvon represented only the supposed interests of the Eastern Province of the Colony. Mr. Molteno, the Premier, has left England; Mr. Paterson, who has been marked out as his possible successor, is still here, and has succeeded in making a demonstration. My argument is that Colonial questions should be fought out in the Colony and not in England, and that if it be desirable to ventilate them here, let it be at a public meeting of merchants and others 'interested in the South African Colonies.'

The Cape would neither be represented in Downing Street by self-appointed delegates, nor accept special commissioners from the Secretary of State in place of the legally constituted authorities appointed by the Colonial

Parliament. Lord Carnarvon felt the falseness of the position so much that he immediately wrote to the Governor expressing a hope that what had passed with the deputation of Cape merchants would not create fresh difficulties at the Cape. The Governor replied to this that Mr. Molteno was very indignant and very sore that nothing had been said to him about the Permissive Bill when conferring with Lord Carnarvon. He feared that it would induce the Griqualand West Council to hold out against annexation to the Cape; and he had been urging Mr. Molteno to go to Kimberley to smooth matters down, but the latter now said that he would do nothing to appear eager for the annexation. The Governor, added Mr. Molteno, would now be more cautious than ever in dealing with the annexation question.

Looking to the attitude of the two Republics towards confederation, every step which Lord Carnarvon now took in this direction widened the breach between the South African 'patriots'¹ and the Eastern Province parties, and threw the former into Mr. Molteno's arms. As the Governor told Lord Carnarvon, what Mr. Molteno feared was the certainty of splitting up the Colony into fragments before there was any certainty that other territories would be added to it. This was in reference to Lord Carnarvon's statement to the deputation that he would have no objection to splitting up the Cape Colony at or before confederation.² Before Lord Carnarvon could receive the Governor's letter Mr. Herbert had written to Mr. Molteno the following letter to attempt the smoothing-down process :—

(Private.)

Colonial Office, November 29th.

MY DEAR MR. MOLTENO,—I have been glad to hear of your safe return to the Cape, and I sincerely trust that the threatenings of native troubles on the frontier will soon be removed in the only

¹ This was a term commonly used at the time in South Africa to designate the more pronounced sympathisers with the two Republics who had received special encouragement from Mr. Froude.

² *I. P.*, C—1782, p. 13.

permanent manner, viz. by a complete change of policy on the part of the Transvaal. I should be much relieved if that unhappy state were a province under the central Government at Cape Town, but nothing that we have yet heard justifies the expectation that this is likely to occur immediately.

You will have read the report of the proceedings when a deputation, comprising Messrs. Paterson, Blaine, and other South African notabilities, attended upon Lord Carnarvon. I hope you were satisfied and pleased with his speech, which was conceived in a spirit of mindfulness of what is due to you and your Government, and therefore necessarily dealt only in such generalities as I fear may have seemed somewhat insufficient to some at least of his hearers. You will not improbably receive all sorts of stories to the effect that Lord Carnarvon has made large communications of policy to Mr. Paterson, or the Natal delegates or others. Such is not the case, as his Lordship has felt himself obliged to make all material disclosures and proposals to your Government in the first instance. Pray therefore do not pay attention to any rumours that may reach you. I do not of course mean that Mr. P. will say anything of the sort; but others have and will.

I think you will receive very shortly the draft Bill, which you will find to be one for union rather than confederation. The expression of your opinion that all the countries combining should be brought under one overruling Government and Legislature has had much weight. As you will remember, Lord Kimberley was advised by the law officers that an Imperial Act is necessary for uniting Natal to the Cape—so even for the purpose of uniting Griqualand West to the Cape a Bill must have been introduced next session, and we shall take the opportunity of so drafting the measure as to make it sufficient to enable a larger union at any time hereafter if that is desired. You will thus be left quite free as to any further amalgamation than that of Griqualand West with the Cape; and also quite free as to all the details of union. Of course we hope that you may see your way to become Premier of a considerable union at an early date; but the Bill will not pinch or press you.

Yours very truly,

ROBERT G. W. HERBERT.

To this Mr. Molteno replied:—

Colonial Secretary's Office, Cape Town :
January 16th, 1877.

MY DEAR MR. HERBERT,—I must apologise for having allowed a mail to leave without a line from me in acknowledgment of your

very kind note dated 29th November, which unfortunately came by one of the slowest vessels carrying our mails, the *Lapland*.

I am very much obliged to you for the information you give me relative to the draft Bill and other subjects connected with Confederation.

The Bill itself only came to hand by last mail, and I have consequently had but little time to consider it, nor have I been able to give its accompanying despatch attention.

But as far as I am able to judge, this Government is placed in a somewhat awkward position with regard to the proposed annexation of Griqualand West, upon which question I had hoped, after the full understanding and agreement arrived at with Lord Carnarvon before I left England, there would have been no further difficulty. The action then taken is generally approved of in this Colony, and there is but little opposition to it in Griqualand West.

I am not at all sure that the generally desired union of the several states and colonies of South Africa will be very much promoted by the line of action which his Lordship has decided upon taking, but am not prepared to enter fully into this most important and difficult subject.

Believe me to remain,

Yours very truly,

J. C. MOLTEÑO.

The object with which Lord Carnarvon received the deputation on the 26th of October was evident when we find that he transmitted a copy of the proceedings to Sir Henry Barkly with the request that he should publish them in the newspapers at the Cape, and he pursued a similar course with Sir Henry Bulwer, the Governor of Natal. It was clear that Lord Carnarvon continued to expect that he would succeed in displacing Mr. Molteno, and setting up Mr. Paterson in his place as Prime Minister of the Cape Colony.

Indeed, Lord Carnarvon seemed incapable of receiving and appreciating the numerous warnings which he had received and was now receiving as to the dangers of forcing on his policy of Confederation upon South Africa. The High Commissioner had warned him that if the policy were persisted in

there was a danger of an agitation in which East would be ranged against West, Dutch against English, and Kaffirs against both. Lord Carnarvon was aware that Mr. Molteno shared these apprehensions, which had now become verified by actual facts in the first case, and in the last we have seen that uneasiness had begun to prevail among the natives. Mr. Akerman, the Natal delegate of the Legislative Council, warned Lord Carnarvon of the dangers of the course on which he was bent, and so much impressed was he with the serious character of the situation that he wrote to the 'Times,' 'Daily News,' and 'Standard,' a letter of warning signed by himself, his official designation being attached, yet so imbued was the London press with Lord Carnarvon's ideas that each and all refused even to admit the letter to their columns!

There was, however, one man whose official connection with the colonies had ceased but who continued to take an informed interest in events there, and to him also it was clear how serious was the danger. Lord Blachford writes to Sir Henry Taylor, telling him that he was not proposing to speak in the House of Lords on the Eastern Question for he was engaged upon another subject. 'The South African question is also a big one. It is capable of working up into the worst cluster of native wars that we have yet had.'¹

Mr. Froude had published his views in the 'Quarterly Review' for January 1877, and Mr. Reeve, the editor of the 'Edinburgh Review,' had asked Lord Blachford to answer him. This he did in an article in the April number of that periodical, which exposed Mr. Froude's improper conduct at the Cape and warned the country of the dangers of pressing the Confederation policy.

On whom was Lord Carnarvon relying for advice when

¹ *Letters of Lord Blachford*, pp. 376, 377. A forecast too terribly borne out by the Galeka, Gaika, Zulu, and Basuto wars.

he pressed on his policy against all these warnings? Even his own emissary, Mr. Froude, had told him, after learning the lesson of experience in South Africa, that Confederation must be the work of South Africa itself, and could only be brought about by time. The sole support Lord Carnarvon received was from Mr. Paterson and the merchants whom he had brought with him as a deputation, and who really represented one town in South Africa, Port Elizabeth, where resided the speculators and merchants who were to make money out of the annexation of the Transvaal.

Nevertheless he now determined to press his policy more strongly than ever. In England he introduced the Permissive Bill for enabling a confederation of the South African colonies and states to be formed, and in South Africa he worked through the agency of a man who was rash enough to look upon his own ignorance as superior to local knowledge, and to commit the country to the most reckless expenditure of blood and money to accomplish the policy which he confessed had been 'dictated' to him by Lord Carnarvon, and which he meant in his turn to dictate in spite of all warnings to South Africa. It became known almost simultaneously that Sir Bartle Frere had been selected as the new Governor and High Commissioner for South Africa, and that the Permissive Bill was to be introduced into the Imperial Parliament.

On neither of these matters had Mr. Molteno been consulted by Lord Carnarvon when he was in England. In transmitting the Bill to the Governor Lord Carnarvon in a lengthy despatch alluded to the deputation of the 26th of October as the opportunity of making public his intention as to the Permissive Bill. Though Mr. Molteno was the accredited plenipotentiary of the Cape, Lord Carnarvon selected the unofficial and self-elected deputation as the repository of his confidence. It is true he apologises to the Natal delegates when he addresses the Governor of Natal on the subject for

not communicating to them the Bill when they were in England.¹ For his treatment of Mr. Molteno he does not venture to offer an apology.

Moreover, Lord Carnarvon had departed from his arrangement with Mr. Molteno as to the incorporation of Griqualand West with the Cape Colony. Mr. Molteno had distinctly refused to be a party to any federal connection with Griqualand West as a province, and on reference to the despatch detailing the arrangement made with him during his visit, Lord Carnarvon clearly tells the Governor that this is so, and that he agrees

that there is every reason to believe that, when more simply and inexpensively governed as a district of the Cape Colony, Griqualand West would provide a revenue ample for the requirements of its administration and its liabilities.²

Yet now, in transmitting to the Governor his Permissive Bill, he turns to the plan definitely rejected by Mr. Molteno and by himself. He says of the Permissive Bill :—

It will serve either for the more limited purpose in the first instance of uniting Griqualand West to the Cape, or for the larger object of confederating at any time hereafter the whole of South Africa.

And again :—

The correspondence which I have lately transmitted to you has explained that after full communication with me, Mr. Molteno expressed, on the part of the Cape Government, their readiness to take measures for the incorporation of Griqualand West with the Cape. With regard, however, to the form and manner of such incorporation, I had received strong representations from the people of the province, which I have, of course, kept in view during the preparation of this measure. They urged in effect that Griqualand West should not be subordinated to the Cape Colony as at present constituted, though they had no objection to confederation. Now, while I am bound to say that no explicit reason was assigned for this request, and that it is one to which I could not in all circumstances deem myself under an

¹ *I. P.*, C—1732, p. 24.

² *I. P.*, C—1681, p. 12.

absolute obligation to accede to (believing as I do that the Cape Government would be fully able and willing to provide for all the reasonable claims and requirements of the province), I am glad to have been able to satisfy myself that under the machinery provided by the Bill *there need be no difficulty in admitting Griqualand West to the union as a separate province, by which course I apprehend that the views both of your advisers, as expressed to me by Mr. Molteno, and of the memorialists in the province will be adequately met.*¹

We have here a distinct statement that in the proposed confederation Griqualand West is to be admitted as a separate province.

It is clear from a reference to the correspondence between Mr. Molteno and Lord Carnarvon that the latter had again played fast and loose and had departed from his engagement, and we see how amply justified was Mr. Molteno in his cautious treatment of the Griqualand West question with Lord Carnarvon during his visit to England. But as a practical question, what are we to say of Lord Carnarvon's proposals to unite the province of Griqualand West with the Cape Colony by means of the machinery of this Bill? Lord Carnarvon appeared to dream on some lofty Olympian peak of lesser men and states, and his dreams carried him far away into the empyrean where unfortunately the affairs of this world are not to be practically carried out. We see here the ideal fancies of folks at home which vanish before the touch of practical men.

What was Lord Carnarvon proposing by this method of incorporating Griqualand West? We will describe his Bill later on; it will suffice here to say that to join the diamond fields to the Cape Colony, the existing constitution of the Cape must be abolished, the elaborate machinery contained in the Bill must be created, providing for a Governor-General at 10,000*l.* a year with two or more provincial councils and as many presidents, and a general legislature as well. The

¹ *I. P.*, C—1782, p. 17.

cost of all this to the Cape beyond that of its existing establishment was estimated at 40,000*l.* a year. Could any practical statesman be so incapable as to agree that the Cape should annex at such a cost a province with an area of about 25,000 square miles, and a population of about 20,000 souls, of whom only 6,000 were whites? Mr. Molteno was rightly annoyed at such a proposal being in any way looked upon as being sanctioned by him, and it became necessary at once to prevent any misunderstanding upon the subject.

A minute of Ministers was presented on the subject in which, after thanking the Secretary of State for the opportunity afforded them of expressing their opinion on the Bill in question before it was finally proceeded with, they continued :—

They feel bound, however, without delay, to express their regret at the course which it seems proposed to adopt in dealing with the province of Griqualand West. It would appear that his Lordship is disposed to abandon the idea of that province being incorporated with this Colony as an integral part thereof. Ministers were prepared, fully confirming what had been done by Mr. Molteno, to propose to the Cape Legislature with every prospect of success that the arrangement recently entered into between his Lordship and Mr. Molteno in England should be carried out, but they fear that they will not be able to support a proposal for such a union of that province with this Colony as is contemplated in the Bill before them.

About the nature of the arrangement entered into, Ministers apprehend there can be no doubt. On the 5th of August, 1876, three courses were submitted on behalf of his Lordship to Mr. Molteno with regard to the future of Griqualand West, one of which was its incorporation as an integral part of the Colony. On the 6th of September, in a letter from Mr. Herbert, the annexation of Griqualand West, which is classed with that of Tembuland and Walfisch Bay, is again pressed on Mr. Molteno. On the 22nd of September, after considerable delay and further communication both in person and by letter, Mr. Molteno expressed himself in favour of the incorporation, and pledged his Government to press its adoption upon the Cape Legislature. On the 30th of September the acquiescence of the Right Hon.

the Secretary of State for the Colonies was signified in the decision arrived at by Mr. Molteno, and the arrangement thus entered into was communicated in a despatch, bearing date 4th of October, to his Excellency the Governor. In this despatch his Lordship stated among other things that her Majesty's Government would not under the circumstances be justified in recommending compliance with a petition which had been received against the annexation of Griqualand West to this Colony, and gave his opinion that the case would be adequately met by the proposed annexation, concerning which further details were promised. No further communication was received until the despatch of the 14th of December giving cover to the Bill before mentioned, which provides that Griqualand West may be a separate province of the union of South Africa, and apparently contemplates on the contingency of its union with the Cape the introduction of costly machinery for governing the two, and the abolition of the existing constitution of this Colony.

In the able report of Lieut.-Col. Crossman, R.E., on the affairs of South Africa (paragraph 106), the white population of Griqualand West is given as 6,000 souls, and there is no reason to think that it has increased since that time. The nature of that population may also be gathered from the same report. The population of the Cape Colony consists of about 236,000 whites, even if all those of coloured or of mixed races be excluded. They are settled on the soil and enjoy a liberal constitution. The position of Griqualand West is such as to require immediate settlement, and in the opinion of Ministers the best settlement would be its annexation to this Colony, which would not in any way interfere with the general object of the Bill, and it will scarcely be contended that merely for the purpose of the annexation it is desirable to subject the Cape Colony to a revolution, which, whatever its other results may be, will certainly increase the cost of government, while it is doubtful whether, looking to past experience, the form of government suggested by the Bill would tend either to the prosperity or happiness of the province. In accordance with these views, and in fulfilment of the pledge given by Mr. Molteno to the Right Hon. the Secretary of State and approved by his Lordship, Ministers have the honour to state that they will, during the next session, be prepared to carry out the course upon which, as already mentioned, they had resolved previous to the receipt of the despatch under acknowledgment, and they venture to express a hope that either the Bill will be so modified or other arrangements made to enable them so to do.¹

¹ I. P., C—1732, p. 32.

The Governor in transmitting the minute suggested that, if an early settlement of the Griqualand West question was desired by her Majesty's Government, it would be expedient that the Imperial Act should, as suggested in this Minute, be so worded as to admit of the possible alternative of the annexation of the province to the Cape Colony.¹ Lord Carnarvon replied acquiescing in the views of the Ministry and the Governor, and he expressed his satisfaction at the clear and temperate manner in which the Ministers stated their views upon the point which appeared to them to be of the most immediate importance :—

The Bill is drawn with no special reference to Griqualand West, and, though it would permit of the union of that province with any other colony or state, does not in any way preclude its immediate incorporation with the Cape Colony. . . . The correspondence quoted in the Minute sufficiently proves that the incorporation of Griqualand West with the Cape is the course which has not only appeared preferable to her Majesty's Government, but which they have strongly urged, and recent circumstances have confirmed me in the belief that it should be taken as your Ministers advise without delay. I trust, therefore, that among the first measures considered during the approaching session will be one for this purpose. It will be desirable that it should be passed as soon as possible, in order that the necessary legislation may be completed this year.²

After endeavouring to explain his reference to the province in his despatch, and stating that the machinery of the Bill is more complicated than would be necessary for merely uniting Griqualand West alone, he concluded by saying :—

I am, however, as I have said, quite prepared to accept the opinion of your Ministers, that there would be practical inconveniences or disadvantages in using the machinery of this Bill for the particular union now under consideration, and I am fully satisfied with their undertaking to effect the object in the way they propose.

¹ See *I. P.*, C—1732, p. 31.

² *I. P.*, C—1732, p. 37.

We come now to the larger question of the Permissive Bill itself. Lord Carnarvon had on several occasions stated, as had Mr. Froude, most emphatically, that his desire was to extend self-government in South Africa. To his South African Conference he said, 'the effect of Confederation would be to give these great colonies even a fuller and larger measure of self-government than has yet been accorded them.'¹ While for Mr. Froude's statements we may refer to his letter to Mr. Molteno suggesting even the abolition of the High Commissionership, and his reiterated assertions that Confederation was to extend responsible government, which had succeeded so well in the Cape Colony, to the rest of South Africa.

What was the object of Lord Carnarvon's statements with which his actions were in continued contrast? We find him declaring publicly in his despatches and in his address at his South African Conference, where President Brand was also present, that 'Confederation in order to be enduring should be the result of a clear conviction on the part of each state entering into it that its political, social, and material interest as a whole will be advanced;' and again, 'I have said this much because I conceive that I was bound by my despatch to allude to the question of Confederation, but I do not wish to seem to press it upon you, and I have referred to it in the briefest and merest outline.'² But at this very time what were his real thoughts and intentions? They have been disclosed to us, for we find him writing to Sir Bartle Frere at this very time under date the 13th of October, 1876:—

A strong hand is required. . . . I propose to press by all means in my power my Confederation policy in South Africa. . . . I do not estimate the time required for the work of confederating and consolidating the confederated state at more than two years.³

¹ *I. P.*, C—1631, p. 64.

² *I. P.*, C—1631, p. 64.

³ Martineau, *Life of Sir Bartle Frere*, vol. ii. p. 161.

‘I do not wish to seem to press it upon you’—No. Not to seem to press it, but to do so really with all his power. Was not this the invitation of the spider to the fly—come into my scheme to be freer than you were before, and come in of your own will? This was the language; the action was intrigue with every force of discontent, of difficulty or of danger to the established governments of South Africa. In the Transvaal it was the native difficulties which were to be made the cloak of force to make it come in. In the Orange Free State the difficulty over the diamond fields was to be used. In the Cape the desire of the Eastern Province for its separation from the West was to bring pressure on the Ministry together with the intrigue with Mr. Paterson and his deputation. A mild-sounding phrase, Permissive Bill, was to be used, and under cover of this the liberties of the Cape as well as of the whole of South Africa were to be taken away. The official chosen by Lord Carnarvon to effect all this was, as the latter calls him, the ‘pro-consul,’ who was to be the instrument of his will, and who tells his hearers publicly, ‘I go out to carry out the policy *dictated to me* by Lord Carnarvon,’ and he was to dictate it to the country regardless of the true interests of that country to which he was sent.

What then was the Permissive Bill which had come at last, and which was to embody Lord Carnarvon’s ideas of advanced self-government? We may look at it in two ways. If it were really intended to meet the requirements of a very difficult question and to settle it in accord with the circumstances and conditions of South Africa, then it was utterly absurd and out of accord with the conditions. We have seen an instance of the absurdity, and Lord Carnarvon’s admission of the fact, in the mention therein of Griqualand West. It had only to be read in South Africa to be rejected, whether in the British colonies or in the Free Republics. But if we regard its real purpose to be the destruction of

the large measure of self-government already accorded to and enjoyed by the Cape and the destruction of the freedom of the Republics, we can understand its being the expression of Lord Carnarvon's dreamy ideas.

Mr. Molteno had told Lord Carnarvon that unification was the proper way to consolidate South Africa, a way which he could support, and which the subsequent march of events has shown he was correct in forecasting. But this policy would not have afforded Lord Carnarvon the opportunity which he sought of revolutionising the constitution of the Cape Colony. Lord Carnarvon therefore declined to adopt Mr. Molteno's views, as by so doing he left his main purpose unaccomplished.

He was fully alive to the enormous importance of the Cape Colony to the Empire, the Cape peninsula being the key to the maritime supremacy of the South Atlantic and Pacific Oceans, commanding the route to Australia, India, and the East as well. His object was to tie South Africa more tightly to England, but in his heart he was a reactionary, and he had no love for or appreciation of constitutional government when it was popular in form. He misread Colonial history when he thought too much freedom had been conceded to the Colonies. He did not perceive that the more the formal bonds were relaxed, and causes of irritating disputes removed, the stronger became the real bond of sympathy and feeling between the Mother Country and the Colonies. He wished to step back, and therefore he chose Sir Bartle Frere, who had no experience of constitutional government, but had been trained in the inevitably arbitrary and despotic school of India, a country whose political condition differed absolutely and entirely from that of the self-governing Colonies of the Empire. The conditions of our colonial development rendered his real purpose of increasing the power of the Crown in the constitution of South Africa incompatible with the ostensible object of his Bill, the unification of South Africa.

Lord Carnarvon's Bill aroused the opposition and indignation of every man in South Africa who valued free institutions, and who lived under the conditions which had so much advanced the prosperity of the Cape Colony. They marvelled that an English Minister could at this period of Colonial development put before a community having British institutions such an abdication of their freedom. What was it that Lord Carnarvon asked the people of the Cape Colony to do? The Secretary of State, under the flimsy disguise of an Imperial Act of Parliament conferring on the Crown in Council general powers regarding South Africa, proposed to have in his own hands the right to divide the Colony as he pleased into provinces, and then to place at its head a kind of despot with the title of Governor-General, who was to receive, with or without the consent of his subjects, a salary of 10,000*l.* a year.

Let us examine some of the provisions of the Bill. The preamble, it is true, refers to the wishes and opinion of the various colonies and states with respect to details, but there is nothing said as to the manner in which these wishes should be carried into effect. The authority to elect whether they should be put into effect or no, under the third section of the Bill, is the Queen in Council, and for Colonial purposes the Queen in Council is the Secretary of State, so that whatever the local legislatures might resolve as to the terms of union, their decision might be overridden by the voice of Lord Carnarvon himself, a gentleman 6,000 miles distant, and who expresses his ignorance on the details of which he is to be the final judge. In other words, on a matter affecting the deepest interests of South Africa, the Colony was asked to give up its privilege of self-government and to submit itself humbly to the will of Lord Carnarvon!

The sixth section of the Bill says, 'The union shall be divided into such provinces with such names and boundaries as the Queen shall by any proclamation or order

in Council issued in pursuance of section 3 of this Act declare and define.'¹ That is to say, the Secretary of State, acting, it may be, under influences inimical to the Colony, might divide it into as many provinces as he pleases, and group the divisions without any regard to their wishes ; he might divide it into East and West or West and Midland, or East, West, Midland and Border, or make any other arrangement he pleased, and the people of this Colony, heretofore supposed to have a voice in their own government, were not to be allowed a choice in the matter till the business is done.

The people of the Colony were not even to have the choice of a place for the seat of government, for the fifteenth section provided that the seat of government of the union shall be in such place as her Majesty, *i.e.* the Secretary of State, should from time to time by proclamation direct. South Africa had already had experience of the evil effect of a peripatetic Parliament. Sir Philip Wodehouse held the Parliament at Grahamstown. Much worse would it be with peripatetic public offices as well.

The Governor-General was to act in certain cases on his own discretion instead of on the advice of the Ministers having the confidence of Parliament. There was to be a Governor-General with a salary of 4,000*l.* beyond the salary of the present Governor. There was to be a nominated Executive Council, whom the Governor might dismiss as well as appoint at pleasure. A nominated Legislative Council in place of the existing Elective Council and a nominated Speaker. It is true the Elective House of Assembly was allowed to remain, but the franchise was to be withdrawn from a vast number of the electors. The Colony was to be cut up into provinces, presided over by Presidents, appointed by the Queen. The control of native legislation was to be reserved for the Crown directly. There were other provisions of a character similar to these.

¹ The Bill will be found in *I. P.*, C—1782, p. 20.

Mr. H. C. Jarvis, an old veteran in the fight for freedom, whose experience extended over a period dating from Lord Charles Somerset's rule, who had for twenty years presided over the municipality of Cape Town, the first and only popular body in the Colony before the Constitution of 1854 was established, and as its chairman had taken a leading part in the struggle for the Constitution after the anti-convict agitation, and who had sat as one of the first members for Cape Town in the new Parliament and later in the Council, wrote as follows, expressing the feelings of those who had fought for and won the free institutions which the Colony then possessed:—

I have before me the 'Government Gazette Extraordinary' of the 12th inst., publishing Earl Carnarvon's despatch of the 14th December last with his 'Permissive Bill,' which he proposed to submit to the Imperial Parliament during the session of 1877.

Does the Earl of Carnarvon for one moment suppose that the inhabitants of British South Africa will endorse, or submit to be beguiled into sanctioning, his scheme of federation in the spirit and on the terms he proposes? Does he forget our present position, and the struggle it has cost us to obtain it?

It is plain, therefore, what all this means. Too many concessions have been granted us, and it is proposed by this plan to bring us back again to the position we were in in the days of Lord Charles Somerset—a nominee Executive, a nominee Legislative Council chosen by the Governor-General, subject to dismissal at pleasure, whenever disobedient to his mandate. Can anything be more tyrannical? Many of the details of this 'Permissive Bill' are equally objectionable, disfranchising at least one half of existing voters, &c.

Sufficient has been shown to open the eyes and satisfy my fellow-countrymen that we must be firm in resisting this measure if we wish to retain our present independent position, and, if necessary, remind Earl Carnarvon of the defeat of his predecessor in office (Earl Grey) when he attempted to make this Colony a penal settlement.¹

Mr. Molteno had, in the correspondence which we have already quoted, indicated to Lord Carnarvon the mode in

¹ *Argus*, 17th of January, 1877.

which he conceived that the union of South Africa could best be brought about, by the gradual annexation of the minor colonies and states to the Cape Colony, involving no revolutionary changes as the development of each separate state or territory came up to the required standard. It was a scientific plan recommended by all the existing experience of South Africa, and Lord Carnarvon may indeed have entered into these views, as the following passage seems to indicate, yet its provisions entirely fail to give effect to them :—

I have in the next place had special regard to the opinions expressed on behalf of your Government by Mr. Molteno from time to time, and more particularly during his visit to this country. These opinions I may summarise briefly by saying that Mr. Molteno, while not unfavourable to the principle of Confederation, repeated the wish that it should be reserved to the Cape Government and Legislature to decide as to the time at which, and the conditions under which, that Colony should enter any confederation, and he further expressed his opinion that the union should take the form of an incorporation under one legislature rather than an association of several co-ordinate legislatures. *As the Bill will be found to be so framed as to satisfy and include these views, if they should meet with a general acceptance on the spot, I feel justified in the confident trust that it will be favourably received by your Government.*¹

We ask where are the provisions in the Bill that 'satisfy and include' the view that the union 'should take the form of an incorporation under one legislature rather than an association of several co-ordinate legislatures' if the former 'should meet with a general acceptance on the spot'? The fact is that the Secretary of State, assuming that the terms of the Bill were his final decision, which thus appeared to be the case, had deprived the people of South Africa of the choice which in the despatch his Lordship states is left open to them. In other words, South Africa was not at liberty under this Bill to select that form of union in connection with the Crown of England which in the opinion of those

¹ I. P., C—1732, p. 17.

who knew the country might be best suited to its requirements.

Mr. Molteno could not, however much he might have desired to meet Lord Carnarvon's wishes, have agreed on behalf of the Colony to such a Bill. Lord Carnarvon made a mistake in the way he presented Confederation to the colonies and states, and he made the further mistake of offering only one hard and fast form for the union—a form which was utterly distasteful to South Africa. Had it been ever so ready to form a union, by dictating the form Lord Carnarvon made it quite impossible for any union to take place under it.

He was clearly trying to secure by this Bill the return of the Republics to the British connection, for by the admission of the Orange Free State or South African Republic the 4th section of the Bill expressly made their citizens *ipso facto* naturalised subjects of the Queen. He evidently feared the effect of this accession of Dutch subjects to the citizenship of British South Africa, and hence his curtailment of the freedom which the Cape Parliament already enjoyed, particularly in regard to its control of the native policy. He had frequently eulogised the native policy of the Cape, and had held it up as an object of imitation to Natal and the other states, so that it was not with a view to the modification of Cape policy that this provision was inserted in his Bill.

In the curtailment of constitutional freedom proposed by the Bill, and the substitution of the nominee for the elective principle, we may trace the same desire to get back a larger control of the Crown over South Africa. Lord Carnarvon failed to get his Bill accepted in South Africa, but he effected his purpose for a time in so far as the Cape Colony was concerned by unconstitutionally overriding its Government. He had already revolutionised through Sir Garnet Wolseley the Constitution of Natal, and held complete control of its Legislature by the majority of

nominee members. He had control of Griqualand West, a Crown province. He now was about to annex the Transvaal, and so get control of that country, and the only two states which preserved their freedom were the Orange Free State, which for very shame he could not then openly attack, and the Cape Colony.

He could not deprive the latter of its Constitution without its consent, but he could still send a Governor who might so work on the people as to cajole or bully them into carrying out his purposes. The Cape had been a Crown Colony up to 1872. Responsible government had only been in existence for four years. The people would not yet have realised the change quite fully, and, as it was hoped, had not become accustomed to it. The High Commissioner might use his powers and his patronage again in the old way as when personal rule of the Governor prevailed. Lord Carnarvon tells Sir Bartle Frere, in asking him to accept the position, that he is to go out 'nominally' as Governor, but

really as the statesman who seems to me most capable of carrying my scheme of Confederation into effect, and whose long administrative experience and personal character give me the best chances of success.¹

In this way the whole of South Africa was to be subordinated to Lord Carnarvon, and to be as clay in the hands of the potter. Confederations are not formed by theorists with maps and scissors, the component states being laid together in a conveniently damp condition so as to adhere perfectly and show no boundary lines. They are composed of living men, with all their traditions and habits and customs, their prejudices, their feelings and their virtues, and of these latter, where the component parts are British or Dutch, a love of self-government has ever been conceded to be one of the best and most powerful. This was Lord

¹ Letter of 13th of October, 1876, *Life of Sir B. Frere*, vol. ii. p. 161.

Carnarvon's paper dream, in attempting to carry out which he plunged South Africa into war and bloodshed, and fatally disturbed for a time the relation between the whites and blacks, and for a longer time, the end of which we have not yet seen, the relations between the English and the Dutch.

We may ask, then, had Lord Carnarvon's Bill succeeded in establishing the form of confederation laid down in the Permissive Bill, would it have worked, and would it have eventually led to a better relationship between South Africa and England? The answer must be emphatically No. This is proved by what actually occurred when Lord Carnarvon had control, after Sir Bartle Frere dismissed the Constitutional Ministry at the Cape, of the whole of South Africa except the Orange Free State, and we shall see what difficulties arose out of that control. The new and revolutionary restraint impressed on South Africa by the Permissive Bill would have given rise to inevitable friction between the Mother Country and the Colony, and would have necessitated either an almost immediate modification in its form, or a rupture between the Mother Country and the Colony.

Sir Henry Barkly reluctantly gave his views of this remarkable Bill, and concluded by advising Lord Carnarvon, the more the Imperial Act can be rendered of a purely permissive character, the easier will it be to arrange a general scheme under it. It should, I respectfully submit, give the barest outline possible of the conditions on which the colonies and states of South Africa may, if they think fit, confederate under the British flag, leaving all matters of detail to be filled in hereafter by the Royal orders in Council.¹

Natal was not satisfied with its position under the provisions of the Permissive Bill. The Orange Free State would have none of it. The Transvaal was favoured with a copy of the Bill, but its death warrant was already in Sir Theophilus

¹ *I. P.*, C—1732, p. 43.

Shepstone's pocket.¹ In the Cape Colony it was condemned almost universally. The reception given to the Bill in the east, where Lord Carnarvon's strongest support was to be expected, was equally decided. In Mr. Paterson's stronghold, Port Elizabeth, feeling was voiced by the 'Telegraph,' which wrote :—

We are utterly at a loss to understand how anyone who had been in communication with Cape Colonists so intimately as those who have inspired and drafted this Bill could ever have come to the conclusion that it would be acceptable to the colonists. All have been told by the advocates of Confederation—and this journal has been consistently one of those who told the people—that Confederation means an extension of the political advantages at present enjoyed, and expansion of the freedom we have become accustomed to, and would cause the development of our neighbours to as honourable a platform of political life. We can find no promise of anything of the kind in the Bill, nor can we see any way by which either by amendments or orders in Council any such liberal provisions can ever be imported into it. We shall be very glad if anyone who may advocate its adoption can point out any opening for rendering it useful in promoting the intended purposes, because that purpose is our purpose. We consider the adoption of Confederation to be worth all and more to us than Lord Carnarvon or even Mr. Froude has ever valued it at; but, in our opinion, any endeavours to urge the adoption of the Bill as gazetted will only harden the prejudices of every division of the Colony against the consideration of even the principle involved.

The gifts it brings us are dust and ashes. The privileges it takes away from us are such as men worth any Consideration, or who have any feelings whatever of independence or patriotism, hold to be the most precious that the citizens of any state can acquire. They are privileges for which the leading politicians, the press, and all intelligent citizens have struggled in this country until they attained to their possession. Some good Conservatives may think that the more adventurous section of the community are hasty sometimes in their desire to advance, but none of any

¹ It is interesting to observe that Lord Carnarvon kept up to the last the farce of inviting the South African Confederation to join of its own free will. In a despatch dated the 12th of April, the very day on which the Transvaal was declared annexed to the British dominions, Sir Bartle Frere is directed to send a copy of the amended Permissive Bill to the Transvaal Government.—*I. P.*, C—1732, p. 43.

influence, however, ever ventured to raise the argument that the Colony did not do wisely when it ceased to be governed entirely by officials guided directly by views of distant statesmen, and took upon itself the responsibility of constitutional existence. The movement for Confederation has been conceived to be one made in advance, not in retreat; the policy was to be one of progression, not of retrogression. The Bill proposed would take all the life of our political being, and reduce everything approaching the representation of the people to the miserable condition of an impotent farce. . . .

If the Bill were to destroy the Constitution of the Cape, root and branch, and make it once more a Crown Colony, we could understand its provisions, and possibly we might be content to be found in security, civilisation and large profits by the agency and expenditure of the home authorities. But surely if we are to be taken care of throughout, it is pitiful mockery to be offered the semblance of representation with a view to the Colony being saddled with responsibilities, debts, and taxation, while the opinions of those representatives when disagreeable can be brushed aside as mere cobwebs by the presumptuous nominee Council, an obsequious Privy Council, and a magnificent Governor-General.

The real aim of the Bill was seen to be the revolutionising of the Constitution of the Cape, after the precedent set by Lord Carnarvon in Natal; the same ground for this change was put forward in both cases—namely, the native policy. Yet on the spot it was felt that the change in Natal would not prove ultimately of any advantage to it, or would in the end save her Majesty's Government any risk, trouble, or expense, while there was a certainty that any similar movement in the Cape Colony would result in a great disadvantage and eventual loss, not only to the colonists, but to her Majesty's Government also. There were no threatening native difficulties so far as the Cape Colony was concerned. Sir Henry Barkly told Sir Bartle Frere on his arrival, that there were no native troubles to be dealt with. The native question was a cloak to cover the force which Lord Carnarvon meant to use to confederate South Africa. As to the Port Elizabeth and Grahamstown

hobby of a separate government for the Eastern Province, the references to it in the Bill were received by the 'Telegraph' as follows :—

There are Major Lanyons and handsome cornets of dragoons in plenty who would be only too happy to be nominated as Presidents, but when the Eastern Province seeks one we think it would desire something more truly Colonial, and would not be particular about being able to legislate that property and civil rights or the mode of solemnising marriage should differ in that province from any of the others. An Eastern Province Council would like to have something more to say than is set down for it about its harbours, railways, and public works, and will not be anxious to levy new taxation for the purpose of paying additional officials and attending generally to 'all matters of a merely local or private nature in the province.' We take it that the Provincial Councils of the Act are framed more with the view to use by the outlying colonies and states. They will soon let us know what they think of such provision.

The magnificence to be thrust upon the country did not find favour either :—

We have heard the payment of the Governor-General commented upon a good deal, but though we consider 10,000*l.* a year to be more than the Colony will be warranted in voting, we do not care to discuss the point at present. The crowd of suggested officials with their numerous underlings will all require so much money to swell the pomp of such a Governor's Court that the question will very soon right itself. Such an advance in the vote for the Governor's department would increase the expense of living throughout the Colony, as the example of lavish expenditure soon affects all classes.

Similar comments appeared in other eastern papers. As to the reception in the west, the 'Argus' at once attacked the plan tooth and nail. The 'Times' followed, but with more moderation, while the 'Standard and Mail' was coldly critical, and suggested the postponement of the introduction of the Bill into the Imperial Parliament until 1878, with a view to its being fully considered in South Africa.

How amply justified was Mr. Molteno in his opposition to Lord Carnarvon's attacks on the constitutional privileges of the Cape! 'Obsta principiis' is a good maxim in all such matters. There are few occasions on which in the Cape Colony public men are afforded an opportunity of addressing the public when Parliament is not sitting. Mr. Molteno was visiting Beaufort about this time, and the presentation of an address of welcome in his constituency gave him the opportunity of saying a few words.

As to Confederation, he insisted that he had been misrepresented on that subject. He was not opposed to unity, but there were several ways of doing a thing. Would the people of Beaufort be content to sacrifice any part of those institutions for which they had fought so long? He thought not. He thought the Republics would willingly join the Colony if they could retain their own local institutions, and come in for a share of the benefits accruing from such a union or federation. But that required time to work out. Those matters must grow, they cannot be forced. When the time came he would gladly lay down his charge to others if they were true friends of the Colony.

For his part, as long as he held his present position he would not give up the smallest part of the representative institutions. He advised his Beaufort friends to hold fast to that precious gift. Matters may at times seem a little out of joint, but as long as the present Constitution exists nothing very serious can happen. He himself would be among the last to forego any part of those priceless institutions. He might be considered a little too sensitive on that point, but it was best to be ever watchful. He must own he sometimes felt chafed at being misrepresented, but he always felt that in the end justice would be done to him. When once he saw his line of duty he stuck to it, whatever might be said by outsiders.

The reply of the Ministry to Lord Carnarvon's despatch

on the main portion of the Permissive Bill, apart from the Griqualand West question, was deferred until the arrival of Sir Bartle Frere, who had been selected to succeed Sir Henry Barkly as Governor of the Cape and High Commissioner.

The latter took his departure amidst universal regret, and at the farewell banquet given to him, Mr. Molteno took the opportunity of bearing testimony to the cordial manner in which Sir Henry had worked with the Ministers in the difficult part of introducing responsible government.

I entirely bear testimony to the truth of what was stated just now with regard to Sir Henry Barkly. The success attending the introduction of responsible government and that success which has followed it are greatly due to the very kind and considerate manner in which Sir Henry Barkly has at all times treated my colleagues and myself, in the general assistance he has given us, and in the forbearance he has exercised towards us in views which did not agree with his own opinions. I have always found him willing to discuss any difficult subject, and we have generally come to an agreement on most points. Nobody knows the many difficulties which the Governor and his Ministers have had to contend with during the time I have held office, and I think they will never be known. Notwithstanding the state of the frontier and the other disturbing occurrences, Sir Henry Barkly has always endeavoured to advance the true interests of this Colony.

Mr. Solomon, in his speech, entered a little more fully into the grounds for the congratulations to Sir Henry Barkly on the success which he had met with as Governor of the Cape :—

It is not only in that capacity, but also as a token of respect to Sir Henry Barkly as Governor of this Colony, that we are assembled here to-day, as a Governor who, to a very great extent, has been successful in the administration of the government of this Colony. Sir Henry Barkly entered upon the duties of the government of this Colony at a difficult and critical time. He was preceded by Sir Philip Wodehouse, who succeeded to Sir George Grey, an extremely popular man who governed this Colony at a time of great prosperity. But a time of adversity came, and then there was something of a collision between the

Government and the Parliament of this country. It was then thought desirable by Sir Philip Wodehouse, in order to effect a reconciliation between the Government and the Parliament, that the power of the Parliament should be to some extent diminished, and the power of the Government increased. The home Government did not take that view of the question, and thought the best plan to adopt was to enlarge the power of the Parliament and introduce responsible government into this country. They looked around them for a man who was best adapted to carry that important change into effect, and they sent out a Governor of wide experience and reputation, Sir Henry Barkly, in order to carry out that great change. He arrived here, and whatever opinions there may have been of the wisdom or otherwise of that form of government, I am quite sure that no Governor could give more satisfaction as regards the way in which it was introduced than has Sir Henry Barkly.

Not only has Sir Henry Barkly introduced responsible government, and governed this Colony at a time when a great and important change was transpiring, but he has lent his aid in social, religious, and educational capacities. I am not here to sound his praises, but this I think we must all admit, that we are met here to-day to show our respect and esteem for a Governor who is about to leave our shores after having carried on the government in a most successful way. Moreover he became Governor of this Colony at a very critical time when, if he had not held the balance evenly between contending parties, probably we should have been launched into great difficulties, out of which perhaps we should not have escaped by this time. Though possibly from the position he occupied he may have been looked upon with some suspicion by the ruling authorities in England, we see by the despatch which has been already alluded to that the Government of Great Britain has expressed its entire approval, and that in words that cannot be misunderstood, of his conduct during the time he has administered this government. And I am sure this testimony is no more gratifying to Sir Henry Barkly than it is to the people of the Cape of Good Hope. We must all sympathise with the difficulties he has had to contend with, and we must all admire the satisfactory way in which they have been surmounted.

Mr. Solomon at the same time reviewed the work of the Ministry, and paid a tribute to Mr. Moltano :—

I may be permitted to say that I know something of the difficulties which the first Ministry of this Colony had to

encounter, but I am quite sure of this, that but for the ripe experience of Sir Henry Barkly, and but for his desire to do all in his power to carry out responsible government, it is possible that the difficulties we had to contend against would have overwhelmed us, and we should not have been placed in the happy position we now enjoy. It was confidently predicted that when we got responsible government there would be a rapid succession of changes, but I think that prediction has been amply refuted. Mr. Fuller has alluded in a very marked manner to the first responsible Ministry we have had here, and undoubtedly on the whole it has been a successful administration. Whether we agree with all that has been done or not, it has been successful, perhaps more so than we had any reason to expect in beginning so great an experiment. We have found that under that administration railways if not inaugurated have been largely extended, telegraphic communication has progressed, the borders of the Colony have been enlarged, and above all, which I am sure must be most encouraging to his Excellency, the natives of this country are showing more and more confidence in the Government, and an increased desire to be incorporated within its limits. I say that an administration which could accomplish such great results as that has not been a weak or an unsuccessful administration; and I believe the natives will owe much to the policy of the present Governor, for without doubt, under his auspices, we shall find a policy carried out, not only approved by the Government of England, but by the people, which gives a tone and complexion to the Government.

Sir Henry Barkly had, indeed, served the Imperial Government well. Up to the time of his arrival the condition of the Cape Colony had been a constant source of anxiety and trouble to the Mother Country, owing to the contests between the Legislature and the Executive, while its material condition was most unsatisfactory during Sir Philip Wodehouse's Governorship. Sir Henry Barkly had successfully inaugurated responsible government, and had so dealt with the problems of a most difficult situation as to deserve the highest reward at the hands of the Imperial Government. The introduction of responsible government had done away with the constitutional difficulties at the Cape.

But Lord Carnarvon was not content with the progress made under the new system, and, in the words of Sir Bartle Frere, 'like the impatient child who pulls up the seeds he planted yesterday to see whether or not they are growing in the right direction,'¹ he was ready to upset responsible government which had already done so much, and to replace it by his Permissive Bill constitution. The mistakes of Sir Henry Barkly's successor, which plunged both the Cape and England into a series of wars, brought out in relief the wisdom and prudence of an administration which had dealt so successfully with a set of circumstances abounding in possibility of error, fraught with disastrous results.

Sir Henry Barkly's eminent services in South Africa and in many other colonies and dependencies of our extended Empire were all forgotten by Lord Carnarvon, and he vented his displeasure at the non-success of his policy on the statesman whose conduct had been impugned by Lord Carnarvon's emissary, Mr. Froude. This displeasure was made known publicly in despatches, to which we have already referred. Though the censures were entirely undeserved, Sir Henry Barkly was allowed to retire into private life on his return to England. It is true a despatch was received thanking him for his services, but no special mark of royal favour was accorded him. A fuller appreciation of the enormous difficulties which beset the Cape and the High Commissioner of South Africa has since been shown, in the fact that two of his successors in this office have received peerages from a grateful Government and country for their conduct in South Africa.

The part played by our great constitutional Governors in the successful development of the Empire has not been properly realised or adequately acknowledged. Often trained, as was Sir Henry Barkly, in the House of Commons,

¹ *Nineteenth Century*, January 1881.

they have gone out to our distant dependencies, where they have given a high and honourable tone to the civil services, of which they became the head. The honour of England has been safe in their hands. They have governed great territories under difficulties, of which a more settled and populous country knows nothing. They have carefully and sympathetically tended the growth of the young constitutions which have been planted in our now great and wealthy self-governing colonies, constitutions whose proud boast it is that they resemble as closely as the altered conditions will permit the Constitution which has made the Mother Country what it is, the home of free and self-reliant men.

The difficulties with which they have had to contend and which they have overcome have been stupendous, and are a measure of the success which has crowned their honourable efforts. Justice has not been done them in the history of our Empire. This is an age of advertisement, and largely of self-advertisement. These men have never been advertised. Their work has been the silent, energetic, powerful action which is the basis of our national success. It shrinks from blare and fanfaronade. There is no self-boasting with such men.

The best work of Englishmen has been done in this silent and unobtrusive manner. Their matured experience, always at the disposal of the Crown, has been the surest safeguard against dangerous and fatal errors on the part of the Government at home in relation to its action in distant territories; where this has been thrown aside as useless and valueless, as did Lord Carnarvon with Sir Henry Barkly's advice on Confederation, it is not to be wondered at that disaster follows as a sure and certain result. The lives of our eminent Governors have yet to be written. Their pages will be read with interest and advantage by the whole Empire, and time will serve only to bring out in clearer

prominence the splendid services which they have rendered to the Mother Country which sent them out, and to the colonies and dependencies which received them, and in which they represented so worthily the administrative power, the might, the honour, the justice and the majesty of our Imperial rule.

CHAPTER XXII

SIR BARTLE FRERE. 1857-77

Indian Bureaucrat—Despotic Rule—Indian Experience—Unfitted for Constitutional Ruler—Rashness, Want of Judgment and Patience—He forces hands of Superiors—His love of Popularity—Cotton Disasters—A Quinquennial Cæsar—Lord Blachford's Views—Mr. Molteno's Experience—Sir Bartle Frere's Views after Colonial Experience—He advocates untrammelled Responsible Government—And Mr. Molteno's Unification Policy—Recommends Abolition of New Zealand's Parliament—And Establishment of Dictatorship—Sir George Grey's Views—Special Salary.

LORD CARNARVON had found a suitable instrument to carry out his policy and force on his views, despite the warnings of statesmen who were most conversant with the subject, not alone in South Africa, but in England and even Australia. He had turned to military men for his previous appointments in South Africa; his arbitrary and reactionary temperament instinctively looked to the essentially despotic character of military organisation. Men who valued freedom had no countenance from him, witness his treatment of one of the most distinguished Englishmen of our Colonial Empire, Sir George Grey, and the still more recent example of Sir Henry Barkly.

Precedent, as well as convenience, pointed to a man of some administrative experience being appointed to the office of High Commissioner, and by this consideration the ranks of purely military candidates were closed to Lord Carnarvon. Another source, however, was available. The necessity of ruling a subject people by despotic methods had produced in India a race of officials unused to the ways of freedom and the liberty of representative institutions, to whom obedience on the part of the people over whom they

ruled was necessarily one of the highest virtues. The history of the Roman Empire has shown how the despotic government of subject races by a free people reacted on the latter, and gradually ate into their free institutions, till it eventually destroyed them. There is a similar tendency in the vast bureaucratic system of India to produce men who are ready to undervalue the free constitution we enjoy.

It was to this school of despotism that Lord Carnarvon now turned for an instrument to over-ride the expressed wishes of the Cape Colony, the Free State, and the Transvaal—practically the whole of South Africa to which any free choice was possible, for Natal and Griqualand West were Crown Colonies. Sir Bartle Frere had just acted as dragoman to the Prince of Wales on his tour through India, and had been rewarded with a baronetcy and a G.C.B. He was now free for any great work which might satisfy his ambition, bring him further opportunities of giving scope to his active powers of mind, and enable him to put into effect those 'Jingo' tendencies which were so strong in him.

Rumour, in the mouth of his friends, assigned him all offices. At one time he was to be the new Governor-General of India; at another he was to be the Governor of Bulgaria under English administration; then he was to return to Bombay, to serve another term as Governor in succession to Sir Philip Wodehouse; again, he was to be the despot chosen to carry out his suggestion of a dictatorship for New Zealand. He was invited by the Khedive to become his Railway Minister; he was consulted by the Government on Indian, Egyptian, and East African affairs; his advice was solicited on the Eastern question. Whether any man was equal to advise on and to be entrusted with all these high matters is uncertain, and we need not stop to inquire, as he was not called upon to actively discharge all these offices; but it is certain that he very egregiously failed in that office to which he actually was called.

There was a consensus of opinion, among his admirers, that such great abilities should not long remain unutilised by the country. Lord Carnarvon had used the prestige of a successful warrior combined with the despotic tendencies of a military ruler to deprive Natal of its free constitution. He did not search in vain among the ranks of Indian bureaucrats for a man ready to 'dictate' his policy and to crush the opposition of all local men. Here was the very man of whom Lord Carnarvon was in search. Had not the Ministry of Lord Beaconsfield already set the seal of their approval upon him? Had not Lord Salisbury already accepted his advice in regard to India? And it is curious to remark that the Ministry had followed his advice in India, and were sending him to Africa, thus placing him in a position to control the policy of the Empire in two continents.

Hampered with no personal experience of English Parliamentary government, such as Sir Henry Barkly possessed, with no special knowledge of our Colonial Empire in general or South Africa in particular, no objection would rise up from an intimate knowledge of the country and its history to make him hesitate to carry out Lord Carnarvon's policy. The prestige of his name would be likely to bear down all opposition of minor men. Was he not bold to a fault, and rash enough to rush in where wiser men would hesitate? Lord Carnarvon offered him the Governorship of the Cape, with a view to carrying out the policy,

for which I have now for two years been steadily labouring, the union of the South African Colonies and States . . . nominally as Governor, but really as the statesman who seems to me most capable of carrying my scheme of Confederation into effect, and whose long administrative experience and personal character give me the best chances of success.

The Governor-Generalship of the confederated South Africa was held out as a further inducement. Lord Carnarvon

added that he was considering the details of a Bill for the Confederation of South Africa; and in regard to this he said: '*I propose to press by all means in my power my confederation policy in South Africa.*'¹

We must now see what was this personal character and this administrative experience to which Lord Carnarvon appealed, and what reason there was to anticipate that they would be guarantees for the success of his mission.

In India Sir Bartle Frere had a great reputation for administrative ability; an idea carefully fostered by his circle of admirers, who took every opportunity of putting it forward, but which undoubtedly rested on his courage, ability, and unremitting attention to work. Joined, however, to these excellent qualities there was a want of balanced judgment and careful weighing of the *pros* and *cons* which led him, in a country which, owing to the extreme poverty of its inhabitants, required the most careful and even painful frugality and parsimony in all dealings with the public money, to look mainly to the extension of British enterprise, and thus to be even lavish in his dealings with the public resources.

In the same way he was ever eager to advance the influence of England by our arts and our arms, regardless of the cost to ourselves or to those who were to be influenced. Witness his views as to the policy to be pursued towards Afghanistan, and his advice, which led directly to the second and third Afghan wars. His line of action and bent of mind are well exemplified in his Governorship of Bombay. He brooked no control; he constantly forced the hand of his superiors, and defied the rules which had been drawn up for the purpose of regulating the relations between the Supreme Government and the Provincial Government—rules which were as binding on the Governor-General as on those who

¹ *Life of Sir Bartle Frere*, vol. ii. p. 162, quoting letter of Lord Carnarvon, dated the 13th of October, 1876.

came below him. He ignored these rules without scruple, though they had actually been drawn up when he was a member of the Council of the Governor-General.

He hated estimates of any public work which he proposed; he liked to spend first and ask for an indemnity afterwards. 'The responsibility should be always retrospective in the shape of praise or blame for what is done, and should never involve the necessity for previous sanction';¹ but, as Lord Lawrence replied: 'This mode of proceeding may prove very embarrassing to the financial department; and there is one great objection in my mind to such system—viz. that when once a man has adopted the line of acting first and reporting afterwards, the main inducement to report and explain vanishes away.'²

The same authority says of Frere: 'I never saw a man like him for taking his own line.' And again: 'One of two courses should be adopted, either that he was made to obey orders or that he was declared absolutely his own master.' To Willoughby, a member of the Council of India, he says: 'I find it rather difficult to get on with Frere, though I am most anxious to do so. He is bent on independence without its responsibilities. He insists on spending, not only his own revenues, but ours also.' These letters of Lord Lawrence were written in 1864, yet later on, the 11th February, 1866, he again writes:—

Our financial prospects are very gloomy indeed. The furor for expenditure is excessive. . . . Sir Henry Rose and Napier have no regard for financial considerations, and Frere is worse than anybody. It was only the other day that he wanted to pay four lacs of rupees for twenty acres of land on which to construct a lunatic asylum near Bombay! He has also allowed buildings to be self-erected at Kurrachi for the Telegraphic Department which will cost 2½ lacs by the time they are finished.

This want of sound judgment and careful discretion unfitted Sir Bartle Frere to deal with any real crisis. In

¹ *Life of Sir Bartle Frere*, vol. i. p. 272.

² *Life of Lord Lawrence*, vol. ii. p. 318.

the Indian Mutiny he had not to cope with the brunt of the affair. He was in a subordinate position, his part was to send all help to those who were contending with the full volume of the insurrection; and this he did nobly and well, and such action was wholly in keeping with his character viewed from a certain standpoint. It was John Lawrence who was in chief command, a man who had all the qualities of forethought, the habit of carefully weighing all sides of the question, and the well-balanced mind which appreciated thoroughly the circumstances in which he found himself; and in his practice he showed that he realised the enormous importance of decisions which affect millions of human beings and their interests.

The contrast between the two men is so analogous to the contrast between Sir Bartle Frere and Mr. Molteno that we venture to quote Lord Lawrence's biographer on this subject:—

Sir John Lawrence and Sir Bartle Frere were as different from each other in character, in business habits, and in general views as two very able, very public-spirited, and very self-reliant, strong-willed men can well be. Sir John Lawrence was for a careful economy of the public money; Sir Bartle Frere for a liberal expenditure of it in all directions. The first and almost the only question which suggested itself to Sir Bartle Frere, when some magnificent public work, such as a land reclamation scheme or the practical rebuilding of Bombay, came under consideration, was whether the work was good and worthy in itself. The first question asked by Sir John Lawrence was whether India could afford it; and, if it could, whether it was worth the additional taxation. Sir John Lawrence thought he was bound to be just before he was generous, and to look before he leaped. Sir Bartle Frere too often leaped before he looked, and sometimes it may have been to the advantage of India that he did so; but he also found that his undeniably great works left him with an exhausted treasury, and sent him to beg as a favour from the Government of India what, if he had been content to keep rules, he might have been able to demand as a right.

Sir John Lawrence was always for a minute investigation and specification of details, because he felt that such precautions

were the only security for due economy in the whole. Sir Bartle Frere thought all such precautions vexatious in the extreme, and for very much the same reason. Sir John Lawrence very possibly cared for popularity too little; Sir Bartle very possibly too much. Sir John was blunt and downright to a fault; Sir Bartle erred equally in the opposite direction. The man who applied to Sir John Lawrence for an appointment for which he was not fit, and met with a curt refusal, very probably as he came down the steps of Government House called the Governor-General a bear; but, after a little reflection, was not sorry that he had been told the worst at once, and admitted the integrity of his chief's motives. The man who applied under similar circumstances to Sir Bartle Frere came down from 'the Land of Promise,' as Government House in Bombay was not inaptly called, charmed with the courtesy and grace of his reception, and thinking that his suit was granted; but when he found, a few days later, that the place was given to another candidate, he was apt to turn round upon his chief and put him down, in his vexation, as a hypocrite. In the one case hopes had been unduly raised, in the other they had been too rudely crushed; but in each case, so public-spirited were both men that after a short interval the applicants were generally able to admit that the refusal was due to one and the same motives—the paramount claims of the public service. . . .

That it was well for India that Sir John Lawrence held the supreme, and Sir Bartle Frere the subordinate, position will not be questioned by those who believe, in spite of his recent disclaimer, that the miserable Afghan War in one continent, and the equally miserable Zulu War in another, are the direct and legitimate consequences of the principles and proclivities of the Governor of Bombay.¹

The failure to allow due weight to financial considerations had a very important bearing upon Sir Bartle Frere's conduct in South Africa, as will appear in its proper place. His want of appreciation of the real inner meaning of affairs, and his consequent unfitness for any serious emergency, was amply revealed in the great cotton boom which for a time poured untold wealth into the hands of the merchants of Bombay.

The American War had reduced the supply of cotton

¹ *Life of Lord Lawrence*, vol. ii. p. 314.

from America far below the necessary consumption of the mills of Lancashire, and India came in to supply the place of the American article. The value of cotton exported from the Bombay Presidency rose from less than seven millions in 1860 to 1861 to more than thirty-one millions in 1864 to 1865. Enormous profits were realised by cultivators and merchants. Here was an opportunity of testing a man's soundness of judgment and his discretion. The prudent man who kept his head cool would feel there were serious dangers involved in the position, and would use his endeavours to turn to permanent advantages the temporary benefit, and above all do nothing to increase the fever of speculation. The plethora of money gave rise to a genuine desire for investment, and such investments as were justified by sound judgment would naturally be the proper outlet for this large capital; but unfortunately all kinds of wild-cat schemes were put forward, which any person who pauses to think for a moment must concede were never likely to make any adequate return for the capital invested—schemes for reclaiming land, for building, for concessions of foreshore, for harbour works, and many others.

Of these the 'Back Bay' reclamation scheme was perhaps the most famous; its object was to reclaim through the means of a commercial company a large tract of land known as Back Bay, to hand over to the Bombay and Baroda Railway such portion as was necessary for its purpose, and make the company's profits out of the sale of the rest of the land. The Government of Bombay had originally proposed that the railway should carry out the speculation, using so much of the land as it required and selling the rest, but the Home Government very properly objected to such a speculative transaction on the part of a railway which had its capital guaranteed.

Sir Bartle Frere proposed that the Government should

take shares in this wild scheme, but fortunately the Secretary of State replied that no money of the guaranteed railway could be placed in such a scheme. If the land were really required, the Government must reclaim and then make over to the railway the land required. In making his suggestion, Sir Bartle Frere says, under date 23rd of July, 1864 : 'All Bombay have gone mad about Back Bay. I was anxious that the Government should have had a share in the work *such as it has in the Bombay Bank*, not so much to secure a share in the profits as to have the only possible effectual hold over the management in such matters as allotment of shares.'¹

We shall see presently of what value such control was in Sir Bartle Frere's hands. It is clear that the Government were perfectly right in their decision. They had no right to give their sanction to these monstrous schemes by taking shares in them. A similar tendency to speculation had arisen in Calcutta, but it had been discouraged with success by Lord Lawrence, though he incurred considerable unpopularity thereby. The scheme eventually collapsed on the fall in the prices of cotton, and the losses were enormous. The works were abandoned to the Government.

The bank above referred to was the Government Bank of Bombay, managed by nine directors, of whom three were appointed by the Bombay Government. The bank's capital was now doubled, and the game of lending money went fast and furious. It was only on account of a warning from Sir Charles Wood, the Secretary of State for India, that Sir Bartle Frere gave some attention to its affairs. The former writes under date the 3rd of March, 1865 :—

I cannot help being in some alarm at the possibility of a crash in your Bombay speculations. We hear disagreeable rumours, and after the way in which they have been going on I am afraid that it is too probable. *Pray look after your bank and currency*

¹ Despatch to Sir G. Clerk, July 23, 1864 ; *Life of Sir Bartle Frere*, vol. ii. p. 7.

matters—we must stand clear. But I would send for your Government directors in the bank, and desire them to look very carefully into what the bank is doing and to keep you informed.¹

It was then found that there was gross mismanagement, and the losses had been enormous. The Calcutta Government complained on several occasions of the want of detailed information of the affairs of the bank. Frere practically asked them to get it for themselves; he relied upon his own judgment, and defied the Supreme Government. It was clearly his duty on the spot to see that a proper investigation was made. Early in May 1865 a native merchant failed, owing the bank 170,000*l.* A panic ensued, and a run on the bank. Frere telegraphed to the Supreme Government, and asked leave to advance, if necessary, 150 lacs. To this the Supreme Government assented, and the run ceased. Surely this should have led to a proper investigation, but nothing was done.

Just before Christmas of the same year Frere heard that there was only six and a half lacs of silver coin in the bank, and that it was for the third time in danger. He returned to Bombay and summoned the Government directors. Surely now the position should have been ascertained; but the financial imprudence which always characterised his proceedings carried him to the excessive imprudence of allowing the bank actually to declare a dividend of 8 per cent. in January of the next year—that is, only a few days after this crisis. On the 31st of March, 1866, the Government directors presented a report in reply to a letter from the Government of India asking for information and for an examination of the officers of the bank.

Again the report was far too sanguine, and the true state of affairs was not discovered. A second committee failed to discover the true state of affairs. Enormous advances were now made to Premchund Roychund. No proper

¹ *Life of Sir Bartle Frere*, vol. ii. p. 19.

inquiry was made as to whether the advance would really save him, and no agreement with the other banks who had joined in securing the advance to him was signed. The money was paid before the full amount of security which had been agreed upon had been given. Can it be believed that this would be allowed to be the position for a single day? It actually remained so for four months. When Premchund Roychund failed, the securities, such as they were, were wholly insufficient, and the irrecoverable balance due from him was 247,000*l.*

This was not all. The secretary was allowed to advance to the Asiatic Bank, without any adequate security, so large a sum that, on its failing in September, 196,000*l.* was due from it to the Bank of Bombay, and in February 1867 there was another run, and then the latter was practically in liquidation. Black ruin fell on the shareholders, and the whole of Bombay was involved in disaster. Was ever a more extraordinary story told of reckless confidence, want of judgment and unwise defiance of sound and proper instructions?

But the worst offender of all (says Lord Lawrence's biographer), the Bombay Bank, still held its own, though with a loss of half its capital, still plunging itself and others, in spite of all that remonstrances from the Governor-General and urgent requests both by telegram and letter for information could do, more deeply into the mire; till at last it fell, deep alike in ruin and in guilt, the full dimensions of which were only to be revealed by the Commission of Enquiry which an outraged people demanded, and at length succeeded in obtaining.¹

We can hardly wonder that one of the Commissioners speaks of 'the supineness and inaction of the Bombay Government,' i.e. of Sir Bartle Frere, the real fact being that Sir Bartle Frere had, in common with lesser mortals, lost his head, his usual financial recklessness facilitating this result.

¹ *Life of Lord Lawrence*, vol. ii. p. 355.

We obtain some insight into Sir Bartle Frere's view of his position as Governor of Bombay from his letter to Sir John Kaye, in which he says that the Governor of Bombay was intended to be 'a biennial or quinquennial Cesar.' He evidently attempted to practise what he preached, and his relations with the Supreme Government were based on this theory. A further instance in addition to his other defiances of budget rules occurred when Dhuleep Singh arrived at Bombay on his way back to England after attending his mother's funeral, Sir Bartle Frere coolly lent him 2,000*l.* of Government money, though there was no such provision made in the Government budget, and though he might have consulted the Supreme Government by telegraph. To justify this he wrote to the Governor-General. He says to Lord Lawrence :—

I thought you would wish me to do this, if only to facilitate his return to Europe, and to prevent the necessity for his borrowing here in the bazaar ; so I have ordered 20,000 rupees to be advanced to him. I do not want him if he goes to the Treasury on the strength of my promise to find the door shut by a telegram from Calcutta conveying an order from you.

To this Lord Lawrence replied :—

You will have received my telegram regarding the advance to the Maharaja. As regards the other matters touched on in your letters Trevelyan strongly objects, as indeed do the other members of Council, to your using Government money in the manner you describe, especially without authority first obtained.¹

Instead of loyally abiding by this decision, Sir Bartle Frere wrote a letter of great length, in which he claimed that all that was necessary was the subsequent approval of the unauthorised steps by the Calcutta Government. Lord Lawrence very civilly answered, 'that budget rules were budget rules and must be adhered to.'

There were other instances of Frere's reckless defiance of

¹ *Life of Sir Bartle Frere*, vol. i. p. 433.

definite instructions even from the Home Government itself, and as an instance we may mention a case in which he called down upon himself the strongest censure of the Secretary of State for India. The issue of Enfield rifles to a Bombay Native Infantry Rifle Regiment had been made by Sir Bartle Frere, and Sir Charles Wood says, under date the 12th of September, 1864 :—

Whether, then, I look at the exercise of your own discretion or the regard which you ought to pay to what may be wise elsewhere in India and the possible opinions of the Government of India, or, lastly, to the deference which you are bound to have for the orders of the Home Government, I am sorry to say that you are equally wrong, and when in one and the same case you sin in all these three respects I cannot see any justification for you.¹

This would appear strong enough, but even stronger expressions of censure, though expressed in a kindly tone, followed this letter.

Again, in the matter of the census of Bombay, the Home Government telegraphed that they did not approve and refused their assent to the Act; yet Frere, in face of this, determined to proceed, though as a voluntary matter and not under the Act.² This was of course a colourable evasion, and again brought down the censure of the Secretary of State for India.

His action in practically declaring war upon the Sultan of Zanzibar without leave of the Government who sent him, and thus forcing the hand of the Government, was in keeping with all his other acts. Fortunately the Sultan yielded, owing to the influence of Sir John Kirk. Sir Bartle Frere's biographer says: 'Frere's letter seems to have fallen like a bombshell on the English Cabinet. It met to consider the matter, and appears to have scarcely liked either what he had done or what he proposed the Government should do.'³

¹ *Life of Sir Bartle Frere*, vol. i. p. 450.

² *Ibid.* vol. i. p. 460.

³ *Ibid.* vol. ii. p. 101.

His readiness to offer an opinion on subjects on which he had not had the same experience or knowledge, or responsibility as had others, was well exemplified in his attack on the policy of the Punjaub Government for its general frontier arrangements. Lord Lawrence says: 'I do not know from whom Frere takes his information. I know he has no personal knowledge of the country himself.' And the Secretary of State for India, Sir Charles Wood, who had studied Frere's attack and the reply, says: 'Nothing could be more precipitate or rash than Frere's tirade against the Punjaub policy.'¹ We think that Lord Blachford's strictures on Sir Bartle Frere are justified by the history of his action in India. He writes:—

I am angry with Frere, and have been (before this affair) since I read this memorandum which is at the root of the Afghan war. It seemed to me then, on contrasting his paper with that of Lord Lawrence, that he was one of those over-confident men who make and ruin Joint Stock Companies in private life and destroy princes and nations who trust them in public. . . . I do not think Indian administrators understand the conditions under which Colonial Government has to be carried on. And I confess I think Frere takes his ignorance for superior knowledge, and does not hesitate to over-rule and force the hand of his superiors.²

We shall find him ready to force the hand of his superiors in the Transkei war and the Zulu war and in the disarmament of the natives of South Africa. Act first and report afterwards was his policy, and he was ready to pursue it in South Africa as in India.

We have drawn attention at such length to these faults in the character of a very able man, for they were now to have a wide field for their operations. They brought about a series of wars and disasters involving the ruin of thousands of natives and the death of many a brave man, while the

¹ *Life of Lord Lawrence*, vol. ii. p. 300.

² Letter to Sir Henry Taylor, p. 394 of *Letters of Lord Blachford*.

hatreds then engendered have not yet subsided. 'As time rolls on, when the desolation caused by war has been long obliterated, the passions which a sense of wrong have aroused do not cease to burn, but pass on from one generation to another.'

Mr. Molteno's character resembled that of Lord Lawrence in many ways. He had the same strong sense of duty, the same regard for the rights of all, whether it were the individual rights of Europeans or natives or the political rights of the adjoining European or native States. He realised the immense importance and responsibility of decisions which affect the happiness and welfare of whole peoples. He had the strongest sense of justice, he despised popularity; he threw himself heart and soul into the work for which he had abandoned all his private interests. His attention to all the duties of his office was unremitting. His knowledge of the country over whose destiny he presided was thorough and complete, gained by personal experience extending over a period of nearly fifty years.

He had himself taken part in the native wars, and had thus gained personal experience of native character as well as of colonial susceptibilities, and ideas as to the conduct of operations. He had personally met Kreli in the famous interview with that chief during Sir Andries Stockenstrom's expedition against him. His sympathies were entirely with the inhabitants of the Colony, whether of Dutch or English extraction; he had none of the foolish feelings which lead to disparaging thoughts and remarks upon the habits and views of the farming portion of the community. He appreciated the sterling qualities of the Dutch and their aptitude for self-government, their conservatism, their caution and their independence, while he was full of generosity, of energy, and of progressive ideas, and devoted to the practice of those principles of justice and right which have been the foundation of England's Empire.

His political experience was co-extensive with the estab-

lishment of representative institutions in South Africa. From the very inception of the Cape Parliament he had been one of its ablest and most active members, and had taken a very prominent part in all its proceedings, introducing and supporting a large portion of the legislation which had been carried out in that Parliament even before he became Premier. Added to this was his further experience of five years' administration as Premier—years of enormous and unparalleled progress for the Cape Colony. His policy and his measures had met with unqualified success, a success admitted and acknowledged by Lord Carnarvon and Mr. Froude, as well as by all who were acquainted with the circumstances of the country.

Inter-Colonial and inter-States relations were facilitated by his personal knowledge of the leading statesmen of the neighbouring colonies and states, with whom his relations were intimate and cordial. Sir John Brand had been a member of the Cape Parliament with him, and had strenuously supported him in his efforts to perfect representative institutions by the establishment of responsible government, and these relations had remained on the best footing since Sir John Brand had been President of the Orange Free State.

A sound and well-balanced judgment, which carefully weighed all the various considerations to be taken into account, a thorough sense of the responsibility attaching to all public acts, a knowledge more complete than any man of the political history of South Africa for the last quarter of a century, long administrative experience, together with a very wide knowledge of men and insight into character, rendered Mr. Molteno the fittest man for the position which he held. These qualifications gave a weight and validity to all his opinions on Cape questions far beyond that attaching to any opinion rapidly formed on necessarily imperfect acquaintance with the difficulties in the way of government

in South Africa. Had Lord Carnarvon had the wisdom to avail himself of Mr. Molteno's ripe experience, endless loss of life and suffering would have been saved to the Empire and its subjects.

He was now well aware of Mr. Molteno's views upon the question of Confederation, views which were formed after the most careful and painstaking thought and with the ripeness of experience, and he was determined to override his opposition by force. The lengths to which he was prepared to go had been shown by the revolution he had effected in Natal; by the Froude agitation and his adoption and confirmation of it; and by his forcible annexation of the Transvaal. Sir Bartle Frere was the man to his hand. We have seen how he was put forward by his admirers for work of any and every kind. So little appreciation did Lord Carnarvon have of the situation that he told Sir Bartle Frere that *two years* was his estimate of the time required not only to carry out but to consolidate Confederation.¹

Sir Bartle Frere's reply to the invitation of Lord Carnarvon is very characteristic. Without any special knowledge of the subject, without asking for time to study the policy which he was to force on South Africa, without consideration, he says immediately: 'There are few things which I should personally like better than to be associated in any way with such a great policy as yours in South Africa, entering as I do into the imperial importance of your masterly scheme.' It was nothing to him whether the policy was for the real welfare of South Africa generally, and of the Cape Colony in particular, which he was sent to govern; he did not trouble to inquire whether it was in accord with the wishes of the people on the spot. As Mr. Gladstone truly said of him, he had never 'been in a position

¹ 'I do not estimate the time required for the work of confederating and consolidating the confederated States at more than two years.' Letter of Lord Carnarvon to Sir B. Frere: *Life of Sir Bartle Frere*, vol. ii. p. 162.

of responsibility, never imbibed, from actual acquaintance with British institutions, the spirit by which English government ought to be regulated and controlled . . . apt to take into his own hands the choice of means in a manner those who are conversant with free government and with a responsible government never dream of.'

It was sufficient that Lord Carnarvon had asked him to go, and had given him an opportunity of distinguishing himself. Lord Carnarvon had settled his decree; nothing further was necessary than to carry it out. Here was an instrument who would ask no questions, but would kill, slay, force, and disregard the wishes of whole peoples without demur. How differently the duties of a Governor were viewed by a man who *had* thoroughly imbibed the principles and spirit of English institutions may be seen by contrasting Sir George Grey's views on such a subject.

I considered (he once said to the writer) that I had duties to discharge, not only to the Home Government who had sent me out, but also to the Colony whose interests had been placed under my charge; and when I found that the varying and conflicting orders of the successive Secretaries of State were such as to endanger the safety and prosperity of the Colony, I felt it my duty not to silently carry out those orders, but to point out this fact to the Home Government, and suspend the operation of their orders until my representations could be dealt with.

South Africa in previous years, as readers of these pages will know, had had to pay severely for the education of men ignorant of her history and the conditions of her government, yet sent out to deal with her vital destinies; but in no case had she paid so dearly as she was to pay for the education of this masterly mind. No good physician accepts any diagnosis of a case in place of his own; had Sir Bartle Frere acted in an analogous manner towards South Africa, and investigated the conditions on the spot, he would undoubtedly have given different advice and action to what he did, and he would have saved England and South Africa enormous loss

and suffering. But he had a policy 'dictated' to him, and he wished to hear no objections to it.

Sir Bartle Frere was able in the case of India to see the dangers involved in sending out a man of high ability to a country of which he knew nothing; and he writes to Lord Canning in regard to a Special Commissioner, who had been sent out to put the Indian accounts in order:—

Whoever comes will feel he has, like a Roman consul, to make his name famous in a single year, or at most two or three, and will not be content honestly to carry out his predecessor's policy. *An active man, even of the first class, will probably be actively mischievous*, and a second or third class man, whether active or passive, will be far worse than useless.¹

His own career in South Africa is ample proof of the truth and wisdom of these words. In sending out Sir Bartle Frere to be supreme Dictator in South Africa, Lord Carnarvon was making a return to the personal rule of the Governor, which was supposed by those on the spot to have been abandoned, as it constitutionally was, when responsible government was introduced into South Africa. Let us see what Sir Bartle Frere himself, after his bitter and fatal experiences in South Africa, thought of the wisdom of such a course.

Writing after his return from South Africa in 1881, he says:—

After a long series of dislocating Kaffir wars, the English Government resolved that the system of allowing colonial management of colonial affairs to grow and develop, instead of being ruled from England, should be practically tried. The plan has answered fairly in other far-separated Colonies. It has been for eight years only in operation at the Cape. I believe it has answered still better there than in Canada or Australia, for reasons which space does not now admit of my stating: but even if there are many disappointments, what are eight years for the growth of such an organism as a nation? Those who would withdraw from the Cape Colony the gift of responsible government ask us to act like impatient children,

¹ *Life of Sir Bartle Frere*, vol. i. p. 327.

pulling up the seeds they have planted yesterday to see whether or not they are growing in the right direction. . . .

When responsible government was given to the Cape Colony, the question was : Has the Colony arrived at that stage of material, social, and political development which renders the exertion of the direct parental authority of the Mother Country inexpedient or impossible? The English nation deliberately answered this question in the affirmative.¹

And he then goes on to say that it is impossible to retract this gift of responsible government now.

Again, in his letter to Mr. Gladstone he says : ‘ As regards the Cape Colony itself, nothing more seemed to be needed than to let the Colony, under its existing constitution, work out its own political future.’² And, in regard to the native question, which was now made the ostensible reason for Sir Bartle Frere’s mission of interference in South Africa, we find him, after his experience had been matured, stating in an address to the Colonial Institute in February 1881 :—

The other difficulty which has been urged to that more complete self-government to which union in South Africa is essential is connected with the native question ; there is still inherent in the British mind a belief that the South African Colonies cannot be trusted with the exclusive management of their native affairs subject to no greater control from the Home Government than is afforded by the power of veto to any legislative enactment which is possessed by the Crown.

I have stated to very little purpose my opinions regarding the present position of the native population in the Cape Colony, if it is necessary for me here to repeat my conviction that our countrymen in South Africa are not only quite capable of dealing with all native questions as wisely and firmly as we ourselves are in

¹ ‘The Basutos and the Constitution of the Cape,’ *Nineteenth Century*, January 1881. Compare with this the speech of Lord Kimberley at the Colonial Institute, April 20, 1899. ‘Another measure which had far-reaching and valuable results had been the granting of responsible government to the great Colony of the Cape. . . . He was content with the success which had attended that legislation. Frere, the Governor . . . had told him on his return that nothing had been more salutary and more successful than the establishment of a free and responsible government in South Africa.’

² Letter to Mr. Gladstone, July 1881.

England, but that the best interests of the natives are quite as safe in the hands of the Colonial Government, constituted as that of the Cape is, as they would be if reserved for the exclusive management of the Home Government. It may be difficult to impress this conviction upon those who, for more than three generations past, have been in the habit of hearing nothing but evil of the colonists in their relations with the colonial natives, and who consequently disregard at once as unworthy of attention all opinions and statements of facts which come from colonists.

But I am convinced that a very few months of sojourn in South Africa would convert any reasonable observer to the conviction at which I have myself long since arrived, that in South Africa, and especially in the Legislature of the Cape of Good Hope, there may be found men as thoroughly conscientious in their dealings with the natives, as influential in their own Legislature, as fully alive to the best interests of the natives, and as determined to secure those interests as far as they can be secured by government action, as any members of the Imperial Parliament, whilst of course they possess an infinitely greater superiority in knowledge of the facts of the case, and of the real requirements of all concerned. The popular English misgiving regarding the treatment of natives by colonists or by a colonial Government is justifiable only on the supposition that all our countrymen who go to the other hemisphere leave behind them the conscientious sense of moral obligation which guided them in this country. It is surely unnecessary to come at such a supposition. *And I will therefore only conclude by once more expressing my deliberate conviction that the best interests of the natives in the Cape Colony are quite as safe in the keeping of the Cape Parliament, as they could be in that of the Parliament of the United Kingdom.*¹

These opinions were formed by Sir Bartle Frere after a mature knowledge of the circumstances of South Africa, gained by painful experience there; but his views, before he had this knowledge were taken from Lord Carnarvon, and differed *in toto* from what we have just quoted. In 1881 Sir Bartle Frere condemned unreservedly the revolution in the constitution of Natal:—

It is quite unnecessary to dwell on the advantages of a constitution like that of the Cape. No one who has had opportunities

¹ Address to Colonial Institute, February 22, 1881.

for comparing the working of the government at the Cape with that of Natal can doubt the decided superiority of the former as far as relates to local progress, and the development of all those energies on which the welfare of the Colony must depend. Every kind of public business, it seemed to me, was better discussed and considered, and settled more in accordance with the interest and wishes of those concerned in the Cape than in Natal.¹

Sir Bartle Frere, after three years' experience, is no longer Sir Bartle Frere the minister of Lord Carnarvon. He now agrees with the local statesmen as to the value, and importance, and sufficiency of responsible government:—

Responsible government was established in the Cape in 1872. . . . The question here naturally arises, How does the present constitution suit the peculiar circumstances of the Cape Colony? I can only speak from personal observation of the working of the constitution during three or four years, and it has yet been in operation for eight or nine years only. It may appear, therefore, somewhat premature to speak dogmatically on the subject; but I think that anyone who has seen as much of the working of the Colonial Government as I have during my term of office would agree with me that, like most constitutions which have gradually grown, it is on the whole well suited to the present wants of the people. It is as free and as completely representative as any constitution which could be devised. It recognises no distinction of race or creed in the qualifications required for political or municipal franchise, and it contains within itself the necessary machinery for well-considered amendment or improvement.

I have personally known almost every member of both Houses during two successive Parliaments, and I can safely say it would be difficult to find in Europe a body of gentlemen better qualified, by their intelligence and public spirit, to manage their own share of the affairs of the vast region for which they legislate. There was, when I first went to the Cape, a considerable body of colonists who sincerely doubted whether it was possible to find among those returned to the Legislature the number of men qualified, and at liberty to undertake, the duties of responsible Ministers. The results of two successive administrations have, however, proved that there is little foundation for this apprehension; and I think I saw during my residence at the Cape a very sensible diminution in the number of colonists who

¹ Address to Colonial Institute, February 22, 1881.

doubted whether responsible government in the form now known at the Cape would be a success.¹

Here is a convert to Mr. Molteno's views, that in any future confederation the Colonial Parliament should be extended, and representation be offered to the neighbouring states in that Parliament, and that the complicated machinery which Lord Carnarvon desired to introduce in his Permissive Bill was unnecessary and undesirable. Sir Bartle Frere says in February 1881: 'Let provision be made for Natal being represented in the Colonial Parliament and Executive Government whenever any of the class of questions I have indicated as affecting more than one state comes up for discussion.'² Lord Carnarvon's policy was rejected by Sir Bartle Frere after he had had sufficient time and opportunity for observing its suitability or otherwise, yet on his first arrival he was its out-and-out advocate.

In Sir Bartle Frere's reply to Lord Carnarvon's offer of the governorship he refers to the latter's 'masterly scheme'; but, as we know, the idea of Confederation was in no sense Lord Carnarvon's. The only scheme which could be called Lord Carnarvon's was the ill-advised and ill-conceived plan of forcing his form of confederation by means moral or immoral on the South African States; this rash and immature judgment on the masterly character of Lord Carnarvon's scheme is on a par with other of his judgments, equally incorrect, and formed on a similar want of knowledge and sound discretion.

As we see from the above extracts Sir Bartle Frere finally agreed with his predecessor, Sir Henry Barkly, with Mr. Molteno, and the leading statesmen of the South African constitutional party, that the unfettered development of responsible government in South Africa was the true solu-

¹ Address to Colonial Institute, February 22, 1881.

² *Ibid.*

tion of the South African question. And again in the same address he said :—

The question of responsible government is a vital one as connected with any union of the South African Colonies. I do not think it likely that a country in the position of the Orange Free State would ever voluntarily confederate with a Crown Colony unless with the assurance that responsible government would be substituted for the autocracy of the Governor. I am very certain that in the existing state of public feeling in the Cape, that Colony would never voluntarily assent to a union with an autocratically governed Crown Colony, or with a colony in which the representative institutions were not practically equivalent to those of the Cape. Whether, therefore, we look to the present efficiency of Local Colonial Government or to any prospects of future union between any two or more colonies, I regard the grant of responsible institutions to Natal as the key of the whole position.¹

What could be in greater contrast than this to the measure proposed in Lord Carnarvon's Permissive Bill, by which a return was made to the Crown Colony form of government for the whole of South Africa? It is again the difference between the man who knows and the man who does not know.

Sir Bartle Frere's views of Colonial Government, when he spoke without knowledge, are amply illustrated by his suggestion for dealing with the difficulty in New Zealand. The news of Te Koote's massacre of the whites at Poverty Bay, towards the latter end of 1868, had seriously alarmed and puzzled the English Ministry, as they feared that all the loss and expense already suffered in New Zealand had been useless. Great friction had resulted between the Imperial and Colonial authorities in connection with the dual control of the military operations and the native policy. Ministers were at their wits' end. In this crisis Sir Bartle Frere strongly pressed upon the Ministry the plan of appointing a Military Dictator. He proposed that a large number of Indian Police

¹ Address to Colonial Institute, February 22, 1881.

should be shipped to New Zealand, that the constitution should be temporarily suspended, and the ablest man obtainable placed in supreme power.

Sir Bartle Frere had at that time no experience of colonial constitutions and their working, or the value attached by the colonists to the rights and privileges of representative institutions. His training in the arbitrary ways of Indian bureaucracy, which wielded large forces at its pleasure, crushing any unfortunate chief who showed a tendency to be rather less subservient than his fellows by moving down upon him the immense mobilised forces under its control, utterly unfitted him to give advice or to take part in the Government of a free community. Fortunately, before acting upon this advice, the Ministers took the opinion of Sir George Grey upon the scheme.

With his ample knowledge of the character and feelings of the New Zealand colonists and their high spirit Sir George Grey saw at once that such a proceeding would be fatal to the good feeling existing between the Mother Country and the Colony; and beyond the immediate effect of such an unprecedented course in the Colony more immediately affected, Sir George Grey felt certain that this arbitrary act would do more in one day to sever the colonies from England than all the efforts of the economists could accomplish in twenty years. He pointed out that the colonists of New Zealand were a bold and resolute community; they would resent such a sudden and uncalled for interference. Willing as they were to pay taxes levied, and engage in active service ordered by their own Parliament, they would object to both exacted by a military Dictator.¹

These difficulties and dangers did not occur to Sir Bart Frere, as they were not suggested by his experience and were such objections as his Indian training hardly fitted him to

¹ *Life of Sir George Grey*, vol. ii. p. 424. It is curious and interesting to observe that the Transvaal was deprived of its Volksraad and governed by a military Dictator, with results only too well known. Sir B. Frere, it is hardly necessary to say, approved this. He says to Lord Carnarvon, 'I think Shepstone is quite right not to summon the Volksraad' (*Life of Sir Bartle Frere*, vol. ii. p. 184). He approves Lanyon's mode of exacting taxes, writing to Mr. Herbert: 'I will answer for Lanyon providing more than Sargeant estimates for the receipts into the Treasury' (*ibid.* vol. ii. p. 308).

appreciate. We cannot wonder at his subsequent arbitrary acts in South Africa, when we remember that his first and only previous relation with colonial matters was of such ominous import for his future in that Colony.

We must draw attention to another point in Sir Bartle Frere's reply to Lord Carnarvon on accepting the office of High Commissioner. Sir Garnet Wolseley had been reputed to have succeeded by 'a champagne and sherry policy,' when Dictator at Natal. Sir Bartle Frere foresaw a large draft upon his allowance in the carrying out of this change to Confederation, and in the pursuance of the policy of cajolery and flattery which was so successfully adopted by him subsequently—a hint of which has been given in the appellation of 'the Land of Promise' to Government House at Bombay.

It strikes me (he wrote), that at a transition period such as you anticipate the unavoidable calls on the salary of the Governor would be greatly increased beyond the ordinary amount.

It is significant that Sir Philip Wodehouse had reported to the Home Government on a proposition of the Cape Parliament to cut down the 1,000*l.* paid to the Governor of the Cape as High Commissioner that: 'If by the introduction of responsible government his office be converted into a dignified sinecure in a very fine climate, 5,000*l.* would be sufficient.'¹ Responsible government had been introduced; but the Governor of the Cape still drew 6,000*l.* Lord Carnarvon now arranged that a special allowance of 2,000*l.* in addition should be assigned to Sir Bartle Frere for two years in his capacity of High Commissioner of South Africa. There is no suggestion that he was in any sense moved by sordid motives in referring to the salary which he would receive; but we protest most strongly against the view that it should be possible by any increase of the Governor's salary for personal purposes and for personal entertainment of the colonists to deflect them from the path of strict duty or from their true interests. Such a use of money in a colony is utterly and entirely reprehensible.

¹ See despatch of the 11th of October, 1865.

CHAPTER XXIII

SIR BARTLE FRERE'S ARRIVAL. ANNEXATION OF THE
TRANSVAAL. 1877

Lord Carnarvon makes Sir Bartle Frere Dictator of South Africa—He complains of his limited powers as Constitutional Governor—Disastrous results of his Policy in Afghanistan—Australian Warning—Duty of Constitutional Governor—Ignorance of the English Press—The Governor first meets the Cape Cabinet—Presses his views of Confederation—Mr. Molteno rejects them—The latter's views on Confederation—Their ultimate justification—The Annexation of the Transvaal—Mr. Molteno not consulted—He refuses to involve the Cape in the question—Lord Carnarvon's promises broken.

THE condition of South Africa, thanks in large measure to Lord Carnarvon's policy, was one containing the elements of very serious mischief. The utmost prudence and caution were necessary in dealing with the situation. Sir Bartle Frere had shown at Zanzibar, when he declared war without the consent of the Ministry, that he was ready to force his superior's hand. In India the Governor-General was constantly under the necessity of controlling his rashness and putting a limit to his assumption. Lord Carnarvon now did his best to give him absolute power. He had made Sir Garnet Wolseley Dictator of Natal. Sir Bartle Frere was to be Dictator of South Africa right up to Zanzibar.

It has been determined to invest Sir Bartle Frere, who is about to assume the government of the Cape, with special powers not possessed by his predecessors in office . . . he is to arrange a union of Natal with the Cape. And he will also be appointed her Majesty's High Commissioner for South Africa generally, instead of being merely High Commissioner for the Territories adjacent to the Eastern Frontier.¹

¹ See despatch of the 26th of January, 1877, Colonial Office to Treasury, *I. P.*, C—2601, p. 3. These were secret instructions at the time, and were

Before he left England to take up his new duties, Sir Bartle Frere was entertained at a great banquet in London, at which Lord Salisbury and many distinguished men were present. It is curious to observe in connection with Sir Bartle Frere how continually we are reminded of Rome. In the speech made by Lord Carnarvon on this occasion he compared Sir Bartle Frere's departure to that of a pro-consul proceeding to take possession of his province; but we are not carried back to the best days of Rome, when its free institutions were sound, but to the period when the task of governing the world was overtaxing the energies and the probity of the Senate, and making a Cæsar a fatal but inevitable necessity. Sir Bartle Frere, as we have seen, compared himself at Bombay to a 'Cæsar.' At last his time had come; he was to be the Cæsar of South Africa.

But Cæsar owed his success to the conditions of Rome at that time. The solution of Indian rule may be autocracy. The solution of colonial self-government was further self-government. 'The history of Cæsar and of Roman Imperialism, with all its unsurpassed greatness of the master worker, with all the historical necessity of the work, is in truth a sharper censure of modern autocracy than could be written by the hand of man . . . Cæsarism, where it appears under other conditions of development, is at once a caricature and a usurpation.'¹ We shall see how true was this of Sir Bartle Frere's Cæsarism in South Africa.

only made public in 1880. They show that Lord Carnarvon considered it unnecessary even to consult Natal as to its union with the Cape, such was the use he meant to make of his power under the revolutionary constitution of Natal. Had this intended disposal of Natal been made public it would have raised a violent outcry in that Colony.

¹ Mommsen, *Hist. of Rome*, vol. v. p. 326. The context of this passage is well worth quoting, for it admirably expresses one of the truths underlying the spirit of colonial self-government. 'According to the same law of nature in virtue of which the smallest organism infinitely surpasses the most artistic machine, every constitution, however defective, which gives play to the free self-determination of a majority of citizens infinitely surpasses the most brilliant and humane absolutism; for the former is capable of development and therefore living, the latter is what it is and therefore dead.'

Yet his first appearance in public was as a humble 'Cæsar,' for has he not a master? And he tells the audience: 'I hope to carry out those views of colonial policy which will be *dictated* to me by Lord Carnarvon.' Lord Carnarvon evidently felt that this was letting the public too freely into his secrets, and in public he reminds Sir Bartle Frere that he goes out, not as Governor of a Crown Colony, but as one who will have to carry on the task of governing in conjunction with local advisers. In regard to the Permissive Bill, Lord Carnarvon added that it was for the colonies and states of South Africa to take it or to leave it as they pleased; but we know from his letter to Sir Bartle Frere that he intended to force his policy by all the means in his power; and already the instructions were on their way to annex the Transvaal, in return for its refusal to come into his scheme.

We can feel no surprise, then, when we find that Sir Bartle Frere's very first despatch after arriving at the Cape complains that his power is too limited under responsible government in the Cape Colony, and states that he would bow to constitutional usage only so long as he considers it conducive to his view of his duty to her Majesty's Government.¹

In sending out Sir Bartle Frere to force his policy on the Cape Colony, Lord Carnarvon was making a return to the old colonial theory of Earl Grey that the Crown, in addition to its proper place in the constitution of the colonies, had a sort of paternal superintending function as well. Against this assumption the colonists had protested, and the Mother Country had admitted the correctness of the protest. Lord Carnarvon no longer put it forward openly, but this function was now to be exercised by means of secret instructions to the Governor and by the weight of Imperial influence and patronage dispensed

¹ I. P., C—1980, p. 5.

through his hands. While in public Lord Carnarvon reminded Sir Bartle Frere that he must take the advice of his constitutional advisers in South Africa, he told him privately that he meant to 'press' his policy by all means in his power on South Africa.

To the policy of confederation Sir Bartle Frere loyally adhered, but the means he adopted to further it were not such as Lord Carnarvon could have contemplated, and in the end they entirely defeated their object. Lord Carnarvon's sole purpose had been to relieve the Imperial Government of serious liabilities and of expenditure in South Africa, and not to increase them. He was the Minister who opened a debtor and creditor account with the Colony for troops, and told the South African Conference that there were at present more troops in South Africa than were really needed for Imperial purposes. While he told the Cape that it must prepare for the complete withdrawal of all the Imperial forces, Lord Carnarvon was not the man to suggest or desire a Zulu or Transkei war.

Sir Bartle Frere, in taking the steps which led up to these wars, forced the hand of his superiors, and acted in accordance with the principles and proclivities which characterised him in India, and which prompted that advice which was then being followed in Afghanistan, with results which were equally disastrous. There is a striking parallel between the action of the Home Government at this time in its dealings with India and South Africa which clearly illustrates the danger of setting aside principles which have received the seal of wise theory tested by centuries of practical experience. The consequences of ignoring these principles brought disaster in countries widely separated and under conditions which were otherwise totally different.

'On the 22nd of January, 1875, *without having previously consulted the Government of India*, Lord Salisbury sent out

the first of those disastrous despatches to Lord Northbrook which made him begin to undo the work of thirty years, and in the direction recommended by Sir Bartle Frere.¹ Lord Northbrook, supported by the whole weight of his Council, stoutly resisted Lord Salisbury's proposals for a whole year.² On the 4th of May, 1875, Lord Carnarvon sent out his proposal for confederation to the Cape, *without having previously consulted the High Commissioner and the authorities at the Cape*. The High Commissioner and his advisers also resisted Lord Carnarvon's rash proposal.

In the case of India, Lord Salisbury relied on the advice of Sir Bartle Frere, who was not clothed with responsibility in the matter. In the case of South Africa, Lord Carnarvon relied on Mr. Froude, who spoke with no official knowledge and without the weight of official responsibility. The parallel is very close, but it proceeds. Lord Northbrook resigned, and it was only by putting a new man in his place who had no previous experience of India that Lord Salisbury succeeded in forcing his policy on the Indian Government. In South Africa the local authorities resisted, and the High Commissioner, notwithstanding the censures of Lord Carnarvon, refused to depart from his position as a Constitutional Governor and force Lord Carnarvon's policy. It was only when a new man with no previous knowledge of South Africa, and of the proper type, was put there that Lord Carnarvon could prevail in forcing his policy.

We may remark in passing on the strange spectacle afforded by the fact that England was putting its fortunes in two continents on one horse, and that the wrong one. So far as India was concerned, Lord Salisbury was following out Sir Bartle Frere's policy absolutely. In so far as another continent, South Africa, is concerned, Sir Bartle Frere was sent out to deal with its destinies. In both cases the result to

¹ *Life of Lord Lawrence*, p. 479, vol. ii.

² Lord Roberts, *Forty-one Years in India*, p. 329. New ed.

England was enormous disaster, and disaster shared in by the portion of the Empire specially affected as well as by England herself.

It was improper and wrong to force the Afghan policy on the Indian Government. The history of all Empires which have been called on to govern distant dependencies points to the impossibility of directly interfering with advantage in the local government of those dependencies. Even the despotic Empires of Rome and of Spain recognised the impossibility of directly governing their dependencies from home, and the most complete power was entrusted to the local Government, directed though it was by the officers of the supreme power. If it were improper to force a policy on the Indian Government, it was still more improper and wrong to force the Confederation policy on the Cape Colony, possessing, as it did, responsible government.

As we have already shown, Lord Carnarvon had received many warnings of the danger of the course on which he was bent, and yet another came to him from a colonial source. We have already quoted the vigorous protest of the Canadian and Australian colonies against the attempted interference of the Home Government in their local affairs. One of their statesmen had given some attention to the question of Confederation generally, and about this time addressed the Colonial Institute on the subject. The Hon. W. Forster, after referring to the abandonment of the Free States and the emigrant farmers in South Africa, said:—

These are the penalties of disintegration, the consequences of a fatuous policy, the judgment that waits upon misgovernment. And to remedy these evils, to escape these penalties, we are called upon by the Government and urged by newspapers to establish by Imperial authority a system of Federation at the Cape. I have been somewhat surprised to learn—and I think it must surprise most people who take an interest in colonial affairs, and who have become acquainted with the result of Mr. Froude's late mission to

South Africa and the local feelings it awakened—that the Imperial Government will persist, after all that has happened, in what may be termed their Federal policy for the colonies, and that a Bill is to be introduced next session into the Imperial Parliament for the express purpose of inaugurating or establishing a Federal system at the Cape. I am aware, as of course my hearers generally are aware, that it is quite possible that Colonial Federation may be advocated or defended upon other grounds than as a means of warding off or carrying on successfully a frontier war with neighbouring savages. And there can be no doubt that in their endeavours to establish a Federal system of Government at the Cape the British Government must have other objects in view than the benefit and the interest of the Dutch settlers, or to recover those insignificant states to the Imperial dominion.

But, I ask, is this not another instance of fallacy connected with the question of Colonial Federation to suppose or take it for granted that such a system can be successfully introduced into any community, and much less into a British Colony, by the mechanical agency of remote, and what for practical purposes is in fact alien, legislation, and in direct opposition to or without the concurrence of local feelings, sympathies, and opinions? How often have we been told that constitutions must grow, and that they cannot be made, much less extemporised to suit some apparent crisis or emergency; that they must, on the contrary, to be of any value—to be effective as instruments or agencies of natural progress and prosperity—spring naturally out of the circumstances, and adapt themselves to the character and disposition of a people. And why is an exception to be made in the case of Federal constitutions, which cannot but involve an extreme, if not a violent, revolution for the communities they concern?

These views are extremely interesting as showing that the Australian views coincided with the Cape view of the question. The warning fell on deaf ears—none so deaf as those that do not want to hear. As we have already said, Sir Bartle Frere in his first despatch from South Africa, which had naturally to do with the policy he was sent out to carry through, complained of his limited power as a Constitutional Governor. Writing to Lord Carnarvon, he says:—

I pointed out to Mr. Molteno the very obvious fact that this very limited view of the Governor's functions must of necessity

either restrict within the narrowest limits the Governor's powers of usefully assisting the Ministers in the consideration of complicated questions like that before us, or risk the creation of division in the Cabinet owing to the different effect produced on different members of the Cabinet by the same argument separately presented to them in their separate interviews with the Governor.¹ But I let him at the same time clearly understand that as long as my duty to her Majesty's Government permitted I should carefully avoid making any change in the existing practice as long as that practice was satisfactory to him and his colleagues. As far as I can judge from our first meeting of the Executive Council, which has been held since this conversation, my remarks were not without effect, for there seemed to be an evident inclination on the part of Mr. Molteno and his colleagues to enter more into discussion and explanation on the papers before the Council than from his previous description of past practice I should have expected. I am bound to add that nothing could exceed the courtesy and cordiality of Mr. Molteno and every member of his Ministry on this and every other occasion since my arrival.²

What are the functions of a Constitutional Governor? The 'Times' will not be suspected of placing his prerogative too low, or giving undue prominence to local pretensions, and yet writing upon the occasion of Lord Loch's return from South Africa, it says:—

The first duty of a Constitutional Governor is to accept in all loyalty the principle of the responsibility of the Ministers, and to act generally under their advice. There are, doubtless, many occasions upon which, in the exercise of a wise discretion, the opinion of the Governor unofficially expressed may determine the advice tendered to him officially by his Cabinet. But it is not his business to supply to the Colony over which he rules the energy,

¹ Sir Bartle Frere had no knowledge of Constitutional Government. He desired to deny the right of Ministers to deliberate in private. A most elementary knowledge of Constitutional Government would have told him he had no right to ask this (see Todd, *Parliamentary Government in the Colonies*, pp. 11 and 47); while further he had no right whatever to discuss or attempt to influence Cabinet Ministers apart from their head the Premier. (See Todd, *Parliamentary Government in England*, 2nd edit. vol. ii. p. 10; also pp. 12, 13, 14.)

² *I. P.*, C—1980, p. 6.

the initiative, or the high ambition by force of which great reforms and far-reaching schemes are conceived and carried out. These qualities, if they exist at all, must spring from the people of the Colony. They are proper to the political leader. The function of the Constitutional Governor is not to lead, but to preside. The tact, the patience, and the good manners of the man of the world, the instinctive toleration which accompanies an extended experience of men and things, an equitable readiness to hear both sides of the questions that present themselves, are among the lighter qualities with which he should be equipped; nor are these sufficient without some touch of the genuine kindness which feels pleasure in exercising that power of helpfulness which is always incidental to high station. Strictly as the Governors of the great self-governing Colonies are limited in the exercise of the constitutional authority delegated to them by the Sovereign, the position which they occupy is still one that offers many opportunities for success or failure. The gifts of the successful Governor are not always those which are held to command success in other positions. Brilliant attainments, decided views, strong political convictions, have been shown by experience to be frequently out of place.¹

If this is a correct view, and we believe it to be so, then Sir Bartle Frere was very far from being a Constitutional Governor. It is true that at the period of which we write the 'Times' had not attained to the clearer and sound views of the Governor as representing the Crown in a Constitutional Colony. It was at this time officially inspired, and in its support of the Ministry and Lord Carnarvon it cared little to form any independent opinion on the question. Its leading article on the appointment of Sir Bartle Frere contained, among other comments, the following:—

In the eyes of the colonial public Sir Henry Barkly was identified with a particular set of views which happened to be those of a powerful party in the Colony, and to be directly in conflict with those of the Colonial Office. It is, therefore, reasonable enough that Lord Carnarvon should wish to have his policy represented at the Cape by someone more sympathetic towards him, and, with-

¹ *Times*, April 16, 1895.

out any disparagement of Sir Henry Barkly's services or abilities, we may affirm that the work which has now to be done in South Africa will be better done by Sir Bartle Frere. . . . It is to be hoped that Lord Carnarvon's Permissive Bill will be accepted promptly and loyally by the British colonists in South Africa.

Here is Mr. Froude's old error of dividing the colonists into loyal or disloyal, according to the views they took of complicated questions deeply concerning themselves, and on which they had every right to form their own opinion. Is this noble word 'loyalty' to bear a corrupted meaning, and signify nothing more than the unreasoning acquiescence with which a child is coaxed to swallow a dose of disagreeable medicine? Is it desirable to see this kind of loyalty develop among the communities who are striving to extend the interests as well as the institutions of the British Empire?

Could English colonists worthily carry out this high mission if they were ready to receive like wax the impression of every hand in which the shifting politics of England may place for a time the reins of the Colonial Office? Their loyalty is not to men, however eminent, nor to the Cabinet of the day, but to those principles which have made Great Britain the freest and best-governed country in the world, and which it is the hope of colonists will make Greater Britain worthy of its prototype. The condition and consequences of any measure must be thoroughly weighed and considered before it can be properly applied, and only if it be found suitable in the opinion of those who are to be responsible for its future working should it be accepted.

Sir Bartle Frere, with his masterful spirit, backed by the unlimited confidence of Lord Carnarvon, and with no previous experience of the principles or practice of Constitutional Government, was naturally chagrined to find himself informed by Mr. Molteno that the Premier was responsible for the policy of the Cape Government, and not the Governor, and moreover, that the Premier and Ministry did not accept Lord

Carnarvon's Permissive Bill so far as the Cape was concerned. This intimation was conveyed to Sir Bartle Frere most politely, as we see from the above-quoted extract of his despatch; but he acquiesces in this view only so long 'as my duty to her Majesty's Government permitted.' This was not the last occasion on which Mr. Molteno found it necessary to remind Sir Bartle Frere that his was the responsibility for the Government decision.

Sir Bartle Frere was constantly endeavouring to impress his views, and finally, as we shall see, he deliberately followed his own course in opposition to that submitted by his constitutional advisers. During the Langalibalele episode Mr. Molteno had thought it his duty to protest that the position of the Premier was one of separate responsibility from that of the Governor, and Sir Henry Barkly had admitted the validity of his protest. Mr. Molteno was not to be moved by the influence of any great name or any pressure from the course he believed to be marked out by his duty to the Colony as Premier under responsible government.

At the request of Sir Henry Barkly the remarks of the Ministry upon Lord Carnarvon's Permissive Bill had been delayed until Sir Bartle Frere could arrive. The latter tells Lord Carnarvon in his despatch above quoted that he had attempted to induce Mr. Molteno and his colleagues to express views more in accord with the policy of her Majesty's Government, but without immediate result; and he then describes the views of the Ministry:—

The favourite idea in this part of the Colony is naturally what they call 'unification.' The Parliament of the Cape Colony being in existence and in practical working order, having, as the advocates of unification assert, gained the confidence of the country as a useful representative body, and being understood and appreciated not only by the colonists, but by their neighbours, it is argued that it will be the more generally acceptable and easiest plan to advance it to the dignity of the Union Parliament—to add to it a fair proportion of representatives for each province which may be willing to join the union, increasing the powers of the divisional

councils as might be found necessary to meet the reasonable wants of the more remote provinces in matters of local regulation and administration.

It is argued that this plan will avoid the obvious difficulty of finding competent men willing to give their services to the public, not only for the purposes of general legislation, but for the provincial legislature; and the equally obvious risk that with two kinds of legislature—the one provincial, and the other general—for the union, that there will be constant collision in legislation owing to the practical difficulty of distinguishing the precise class to which measures of any complexity belong.

Mr. Molteno informed me that the Bill for the annexation of Griqualand West, which is the subject of my despatch of this date to your Lordship, might be taken as an example of the mode to which he and his colleagues would propose to proceed.¹

Mr. Molteno's minute of the 15th of March, 1877, to which the Governor referred, after 'accepting, as a conclusion from which few will be found to dissent, that such a union is eminently desirable,' and pointing out the unsuitability of the provisions of the Bill to the conditions of South Africa, concludes as follows:—

The effect of the measure as submitted for their consideration in its present form will be, as Ministers conceive, to abrogate, on the union of any state or colony with the Colony of the Cape of Good Hope, the constitution which her Majesty has been graciously pleased to bestow on this Colony, and to substitute for that constitution a legislature elected under the provisions of the Bill. If this were absolutely necessary, however much Ministers would deplore it, they would feel inclined to yield; but, seeing that this Colony is from its size, the number of its population, and its resources by far the most important of the South African communities, and to a great extent may be considered as the parent of those communities, such a measure seems unnecessarily sweeping, and Ministers do not consider it would be either necessary or desirable.

They would, on the contrary, submit for the consideration of the Right Hon. the Secretary of State for the Colonies that in their opinion the end and object aimed at by her Majesty's Government, and in which Ministers concur, might be attained in

¹ *I. P., C—1980*, p. 7. This view was eventually adopted by Sir Bartle Frere, as we have already seen in his address to the Royal Colonial Institute (*supra*, vol. ii. p. 180).

a more simple, and, they venture to think, in a more effectual manner by preserving the Parliament of the Cape of Good Hope, and providing for the representation therein by the State or Colony willing to join in the union of members elected by such state or colony ; and the said Parliament might after such union be called the Union Parliament, the number of members to be returned by such state or colony, and the terms upon which the local government of such state or colony and the larger colony would be carried on respectively, to be settled by mutual agreement, and to be ratified by Proclamation or Order in Council, as provided in Clause 3 of the Permissive Bill.

Subject to this general provision, they would propose that the whole arrangement of details should be left for settlement by the parties to the proposed union rather than that they should be fixed by the proposed Bill, the provisions of which in this respect, by provoking discussion and criticism, are likely to detract from its utility as a purely Permissive Bill.¹

We have already drawn attention to the fact that this wise course would not suit Lord Carnarvon's purposes. It would afford him no opportunity of revolutionising the constitution of the Cape Colony with a view to obtaining the control of the legislation in regard to natives, or to increasing the power of the Crown in that constitution, as provided in his Bill. Though combating Mr. Molteno's views at the time, Sir Bartle Frere, after his three years' experience of South Africa, ultimately gave his adhesion to them. It is, therefore, hardly necessary to dwell on their soundness, as all who have studied the question with adequate knowledge, including Sir Bartle Frere after his education had been perfected on the subject in South Africa, admitted their wisdom and validity.

Notwithstanding all the efforts of Sir Bartle Frere and Lord Carnarvon, the only consolidation which has since taken place in South Africa has been in the manner indicated by Mr. Molteno. British Bechuanaland has been successfully incorporated with the Cape Colony, and sends its members to the Cape Parliament, while the Transkei has in a

¹ I. P., C—1980, p. 9.

similar manner been annexed to the Cape Colony, and is being endowed with representation in the Cape Parliament as its inhabitants become sufficiently advanced to permit of this. Thus has subsequent history in the Cape Colony justified the wisdom of Mr. Molteno's advice to Lord Carnarvon. The process began with the incorporation of British Kaffraria in 1865, and all unifications since then have conformed to the rule of annexation as opposed to Federation.

What, then, was Sir Bartle Frere's position? Lord Carnarvon had told him that he hoped to confederate South Africa in two years. The revolutionary constitution of Natal was to last only for five years, and three of these had nearly run. On his arrival Sir Bartle Frere found Mr. Molteno in power, strongly supported by the Cape Parliament. As he tells Lord Carnarvon, no one at the Cape seems to regard federation as a practical question, yet he hopes the annexation of the Transvaal and the enactment of the Permissive Bill will '*force*' their attention to it.¹

Lord Carnarvon had doubtless told Sir Bartle Frere of his overtures to Mr. Paterson, but no steps could be taken against Mr. Molteno in the present session, for he was carrying out the agreement arrived at with Lord Carnarvon to annex Griqualand West to the Cape Colony. No man newly arrived from Europe could be in a position to urge any new argument or place a fresh light on confederation, which had been before South Africa for several years. Sir Bartle Frere had tried to get Mr. Molteno to modify his views on Confederation, as we have already seen when he dealt with the reply of the Ministry to Lord Carnarvon's despatch. Resort was now to be had to threats.

Lord Carnarvon had given up the farce of urging that South Africa was yearning for his confederation, for he told

¹ See vol. ii. p. 190 of *The Life of Sir Bartle Frere*. The Permissive Bill was at that moment passing through the Imperial Parliament.

the House of Lords in his speech upon the Permissive Bill at this time¹ that 'her Majesty's Government thought a measure of confederation ought not to be longer delayed,' and that while in the case of Canada

almost every point of difficulty or controversy had been brought into the way of settlement by previous explanation and preliminary discussion—the same could not be said of this Bill. . . . as her Majesty's Government had been compelled to pursue a different course from that which was adopted in the case of the Canadian Act. . . . But if I am asked why the Government has not delayed this Bill for some clear and unmistakable indication of the exact feeling of the various states and colonies such as would enable us to bring in a Bill framed on the precedent of that for the Dominion of Canada, my answer is that we feel that a positive duty is imposed on us of at once placing within the reach of the South African communities a power to unite under the protection of the British Crown.

It was here confessed that the imperial officials in Europe desired to bring about this result. It was not the imperial officials on the spot who desired, or thought desirable, to bring about this confederation. Just as at this time the same Ministry was forcing its fatal Afghan policy on the unwilling Government of India, so was it forcing its Federation policy on an unwilling South African Government.

Sir Bartle Frere arrived at Cape Town on the 4th of April. No time was lost in pressing the policy dictated to him. Less than fourteen days after his arrival he had indited to Lord Carnarvon a despatch describing his argument with Mr. Molteno, complaining of his limited power, and admitting that he appeared to have made no impression upon Mr. Molteno's views. Sir Bartle Frere enclosed with his despatch a copy of the notes he used as arguments with Mr. Molteno, and on perusal we cannot wonder that they did not affect Mr. Molteno's opinion.²

The Colonial Parliament was to meet very soon after

¹ Speech of April 23, 1877.

² See *I. P.*, C—1980, p. 9.

Sir Bartle Frere's arrival. News of the annexation of the Transvaal was received shortly after the 12th of April, the date of the annexation.¹ Mr. Molteno had been in no way consulted. Indeed, Sir Theophilus Shepstone had taken his orders direct from Lord Carnarvon, and though his commission instructed him to consult the then High Commissioner (Sir H. Barkly), if possible before taking the step of annexation, he had ignored this clause, and had not disclosed it to the Transvaal officials when he was asked for his powers.

Mr. Molteno was utterly and entirely opposed to the annexation and to Lord Carnarvon's policy, which he had consistently resisted. Lord Carnarvon had done his best to get rid of him by intrigue and by public censure, and by suggestion to the Cape Parliament to turn him out of office. He would not therefore take him into his confidence or expect any aid for his policy from him. He had not succeeded yet in getting rid of him, but his fate was trembling in the balance, for Sir Bartle Frere was armed with a commission which empowered him to dismiss or disregard the advice of his Ministers, and it was not long before this power was exercised.

At first, however, as Mr. Froude had done, so did Sir Bartle Frere endeavour to gain his purpose by the *suaviter in modo*. Mr. Molteno was informed of the high opinions of him held in England by the Colonial Office and her Majesty herself, as Mr. Froude had before stated. He was not to be moved in this way any more than by the threats which followed, and the Transvaal annexation soon gave rise to a difference between the two. Sir Bartle Frere desired to drag Mr. Molteno and the Cape Government into the Transvaal question. He offered to show him Sir

¹ As the question of the rapidity of communication between the Transvaal and Cape Town has been raised, we may note that on April 17th Sir B. Frere was aware that the annexation had taken place on the 12th, as on the former date he telegraphed to Lord Carnarvon to that effect.—See *I. P.*, C—1776, p. 102.

Theophilus Shepstone's letters, explaining his reasons for the annexation, but Mr. Molteno said that the Cape had nothing to do with the question. He desired, as in the case of the dispute with the Orange Free State, to keep the Cape entirely free from any entanglement of this character, on which it had not been consulted and for which it was not in any sense responsible. He was not misled by the stories of the danger of annihilation of the Transvaal by the natives.¹ Sir Bartle Frere desired immediately, and without waiting for confirmation of the annexation by the Imperial Government, to publish Sir Theophilus Shepstone's annexation despatch, and he asked Mr. Molteno whether he should do so as Governor or as High Commissioner.

It has been contended that Sir Bartle Frere was not a consenting party to the annexation of the Transvaal. It is, however, clear from this action and from that which he desired to take on the assembling of Parliament, that he was fully in accord with the policy of the annexation of the Transvaal. Mr. Molteno thereupon wrote to Sir Bartle Frere under date the 3rd of May, 1877 :—

In reply to your note of yesterday on the subject of republishing the proclamation which Sir Theophilus Shepstone has issued, it is the opinion of Ministers that should your Excellency consider it advisable to take such action you should do so as High Commissioner.

With this note he inclosed the following letter from Mr. Stockenstrom, who had recently succeeded Mr. Jacobs as Attorney-General :—

It seems to me that his Excellency is going somewhat out of his way to give his formal sanction to Shepstone's proceedings. I

¹ The idea that the Transvaal was in danger of being annihilated by the Zulu power was quite absurd to those acquainted with the facts. A few farmers on the extreme Zulu frontier might be in danger of a sudden attack, but no native tribe could successfully attack the assembled Transvaal burghers, who would have certainly received, in case of any reverse, the aid of their brethren in the Free State.

should have thought that until her Majesty's pleasure is known, what has been done is quite sufficient—at all events that it would have been better simply to have published the documents for general information. It will not perhaps do for us to interfere, but you will see in my letter I have given a gentle hint.

Mr. Molteno thus maintained the same attitude which he had consistently taken up for the Cape Colony since the receipt of the first Conference despatch from Lord Carnarvon. He refused to make the Cape a consenting party in any way to the proceedings of the Imperial Government and its officials. Sir Bartle Frere desired to lay Sir T. Shepstone's despatch before the Cape Parliament and to refer with approval to the annexation in the speech on the opening of Parliament, but Mr. Molteno would not agree to it.¹ On the contrary he desired to state that between the Colony and the Transvaal there had always been a most 'friendly understanding.' This difficulty was arranged by the insertion of an entirely neutral paragraph in the speech which ran as follows :—

Recent events which have taken place in the Transvaal will, it is hoped, promote the peace, prosperity, and good government of that territory, and the contentment of its people, between whom and the people of this Colony so many ties exist.

In regard to Confederation, Sir Bartle Frere desired Mr. Molteno to make a distinct announcement that if the

¹ Sir Bartle wished to refer to the annexation in the following terms :—' I have caused to be laid before you the documents published by her Majesty's Commissioner specially charged with a mission to the Government of the territory beyond the Vaal River. Those documents fully explain the grounds on which her Majesty's Special Commissioner has acted in declaring that territory, heretofore known as the South African Republic, to be British territory, and in taking charge of its administration in her Majesty's name until her Majesty's pleasure shall be more fully known.

' Bearing in mind the intentions of her Majesty's Government, as repeated and very fully expressed with regard to the future government of her Majesty's dominions in South Africa, I cannot doubt that the results of the steps taken by her Majesty's Special Commissioner will be found to promote, &c., &c.' This was enclosed in a letter dated 19th May, 1877, arguing at considerable length against Mr. Molteno's draft, stating ' that a most friendly understanding ' had always existed between the Cape and the Transvaal.

Permissive Bill now before the Imperial Parliament became law, it would be considered by the Cape Government with a view to its possible application to a union of the Colony with one or more of its neighbours. This Mr. Molteno refused to assent to, and the official minute of the Ministry stated that they would wait until a reply had been received from Lord Carnarvon to their remarks on the Permissive Bill. The same course was adhered to in the ensuing session of Parliament, and we may note that it has Lord Carnarvon's express approval.¹

On the 29th of May came the reply of the Orange Free State to Lord Carnarvon's invitation to join in a South African union under his Bill. It was to the effect that, while fully assured of Lord Carnarvon's good intention, it would not be able to join the union and so sacrifice its independence.² The matter did not look promising for the early realisation of the hopes of Lord Carnarvon and Sir Bartle Frere. The former continually talked of the paramount necessity of immediate confederation for securing the safety of South Africa, but this was his own uninformed opinion. Sir Henry Barkly, the High Commissioner, did not hold this opinion, nor did any of the authorities on the spot.

In pursuance of this policy he had made the cry of danger to British South Africa the cloak for an unwarrantable aggression on the Transvaal. When he first invited its President to a Conference, he expressly announced that he had no designs on its independence—its choice was to be free and unconstrained. Mr. Froude, his chosen emissary to South Africa, whose action he explicitly adopted and approved, had told the Transvaal public—

That you rightly perceive that in proposing a Conference between delegates of the several states of South Africa his Lordship is not encroaching on your independence, which he trusts you

¹ See despatch of the 16th of August, *I. P.*, C—1980 of 1878, p. 23.

² *I. P.*, C—1980, p. 17.

will maintain and defend so long as you conceive that your position as an independent community is of moral and material advantage to you.¹

At the famous banquet at Cape Town, where he explained Lord Carnarvon's plans, he said :—

So long as the people of the Free States desire to retain their freedom the English statesman is not born who will ever ask them to surrender it, or endeavour to entice them back under the British flag unless they are willing to come back, and also that they consider it would be for their own benefit.

Lord Carnarvon was now to be reminded of these statements of Mr. Froude by the Dutch portion of the community, who had in consequence given him their support in his confederation policy.² The Transvaal President had been received on his recent visit to England in a most flattering manner by Lord Carnarvon and by royalty, and thus any complaints or any stigma in regard to alleged slave raiding operations had been condoned. Yet when the Transvaal presumed to refuse to come into the Conference, Lord Carnarvon makes it the first object of the policy of *force*, which, as he confided to Sir Bartle Frere, he meant to use in South Africa.

¹ Extract from a public letter of Mr. Froude dated the 28th of September, 1875, to Mr. Rutherford, who had addressed to him the resolutions of a meeting in favour of the Conference held at Potchefstroom, in the Transvaal.

² See a petition signed by 5,000 persons in the Cape Colony against the annexation of the Transvaal: *I. P.*, C—1883, p. 28 :—

Extract from Petition against Annexation of Transvaal.

(3) That at a moment when the annexation of the Diamond Fields had led to new disputes between your Majesty's Government and the Republics, and discontent reigned worse than ever, certain measures on the part of your Majesty's present Secretary for the Colonies, as explained to the Colonists by Mr. Froude, induced a large majority of the old Colonists to believe that a policy of conciliation towards themselves and the Republics was being inaugurated which would put for ever a period to the existing feeling of discontent.

(4) That accordingly, notwithstanding the attempts of some parties in the Colony to inspire the old colonists with distrust of Lord Carnarvon's intentions, the majority of your Majesty's petitioners have cordially supported his Lordship's Conference plan, and that the organs of the Press by which the old colonists are more specially represented, have likewise strongly supported the Permissive Confederation Bill, by which it is contemplated to unite the several colonies and states of South Africa into one dominion.

On the 22nd of September, 1876, before the Conference was held to which the Transvaal had been with the other States invited, Lord Carnarvon wrote to Sir Henry Barkly that 'there can be no doubt that the safety and prosperity of the Republic would be best assured by its union with the British Colonies':—

Should the people of the Transvaal Republic consider it advisable under all the circumstances to invite her Majesty's Government to undertake the government of their territory on terms consistent with the now well-known policy of her Majesty's Government, I am of opinion that the request could not properly or prudently be declined.¹

And finally the cloven hoof appears clearly. 'It is obvious that my inclinations in favour of continuing to *co-operate with the Transvaal as a separate State may have to be modified.*' Lord Carnarvon announced at the same time that Sir Theophilus Shepstone was to proceed to South Africa at once to deal with this matter.²

We may further refer to Lord Carnarvon's request to Mr. Molteno while in England in 1876 to give his opinion as to the mode of government of the Transvaal if it should be annexed. Everything goes to prove that he determined to seize the Transvaal by hook or by crook.³ While osten-

¹ Extracts from despatch of the 22nd of September, *I. P.*, C—1748, p. 103.

² The Commission to Sir T. Shepstone was a most extraordinary one for a British Cabinet to issue, giving him power to annex any territory or state to the British Empire. Surely no such commission was ever issued before or is likely to be issued again.

³ As to the annexation of the Transvaal, Bishop Colenso writes:—'As to the Transvaal affair I hardly know what to say, except that the sly, underhand way in which it has been annexed appears to me to be unworthy of the English name, and to give the lie direct to Lord Carnarvon's public statements about Sir T. Shepstone being only sent to offer friendly offices to the Transvaal Government. It is plain that the whole was planned in England; and I am afraid the scheme will be found to include other annexations—*e.g.* of Zululand, which will be a very serious affair indeed. But time will show how Sir T. Shepstone means to govern the Transvaal—as large as France and Germany together, so they say—and how he means to make a recalcitrant people pay for such government. The expense will enormously exceed that of the Boer Government. Is the British taxpayer to be bled for it?' (*Life of Bishop Colenso*, vol. ii. p. 447).

sibly still inviting it to come in under his Permissive Bill, yet on the very day on which he addressed a despatch to Sir Bartle Frere extending this invitation, Sir Theophilus Shepstone had announced the annexation of the Transvaal in accordance with Lord Carnarvon's instructions. The seizure of this State at peace with ourselves, and to which we were bound by solemn treaty obligations, was an unholy act, which if wrongdoing by states as well as by individuals is punished, was certain to bring down the severest punishment on the Ministry who initiated it and on England, whose name they dishonoured by this act.

Mr. Molteno had carefully guarded against being in any way made a party to this policy of force towards the Transvaal. He entirely disapproved of Lord Carnarvon forcing on Confederation. He resisted it until he was driven from office by Lord Carnarvon's pro-consul. He had been careful to maintain the position of the Cape Colony free from any quarrel with the Orange Free State over the Diamond Fields. In regard to the Transvaal also, he was careful not to allow the Cape Colony to be entangled in the dangerous game which was being played, and when in England he informed Lord Carnarvon that he entirely refused to have anything to do with the policy which was apparently intended to be pursued towards the Transvaal. In his conduct of the relations of the Cape Colony to the Free States his was the view expressed by Mr. Gladstone during the Don Pacifico debate:—

Let us do as we would be done by, and let us pay all the respect to a feeble state and to the infancy of free institutions which we should desire, and should exact from others towards their maturity and their strength. Let us refrain from all gratuitous and arbitrary meddling in the internal concerns of other states, even as we should resent the same interference if it were attempted to be practised towards ourselves.¹

¹ Barnett Smith's *Life of Gladstone*, vol. i., p. 199.

What a different history would South Africa have presented since 1875 had the difficulties of the Free States been regarded with a genuine desire to treat them sympathetically, and to aid them on the part of the Imperial Government. The old fable of the wind and the sun and the traveller's cloak comes to mind. The principle is well expressed in Shakespeare's words:—

When lenity and cruelty play for a kingdom, the gentler gamester is the sooner winner.¹

This action of Lord Carnarvon's has had a most fatal influence on British prestige in South Africa and on the relations of the two races. The policy of entrusting South Africa with the management of its own affairs, a policy to which Lord Carnarvon often declared his adhesion, was now, in words used subsequently by Lord Blachford, 'not so much altered as reversed,' and with what fatal consequences will soon appear.

¹ Henry V. act 3, sc. vi.

CHAPTER XXIV

FIRST PARLIAMENTARY SESSION UNDER

SIR BARTLE FRERE. 1877

Meeting of Cape Parliament—Annexation of Damaraland—Position of Ministry—Attacks upon it—They serve to strengthen Ministry—Crisis with Kreli—Energetic and Successful Action—Defence—Burgher Bill—Unity of Colony maintained—Wise Native Policy—Mr. Solomon's Tribute—Annexation of Griqualand West—Discourteous Treatment of Mr. Molteno by Lord Carnarvon—Position of Confederation Question—South Africa, except Cape and Free State, directly under the Secretary of State—Disastrous Results of Control from afar.

SUCH was the position of affairs when the Cape Parliament met very shortly after Sir Bartle Frere's arrival. A subject on which Mr. Molteno felt very strongly was that of Wal-fisch Bay, which Lord Carnarvon still refused to permit the Cape Colony to annex. The attention of Sir Bartle Frere was drawn to the matter immediately upon his arrival, and Mr. Molteno in the Governor's opening speech to Parliament referred to it, stating that 'the Special Commissioners report was so satisfactory that a Bill would be submitted during the ensuing session for its annexation, but the letters patent had not been received from the Colonial Office, though it was believed that her Majesty's Government had approved the principle.' At the close of the session, the same statement, that letters patent had not arrived, was repeated to account for the non-introduction of the Bill and the success of Mr. Palgrave's mission was again referred to. It may be mentioned that subsequently, doubtless upon the strong representation of the importance of the subject by Sir Bartle Frere himself, Lord Carnarvon consented to the annexation of Wal-fisch Bay itself, and a small area of surrounding country, but

not to the whole district proposed by Mr. Molteno to be annexed, viz. from the Orange River up to the Cunene River. During Sir Bartle Frere's absence on the frontier Mr. Molteno personally explained to the Commodore the steps which the Colonial Government desired him to take in hoisting the British flag at Walfisch Bay itself. We have already dealt with the serious consequence to South Africa and the Empire of Lord Carnarvon's restriction of the area to be acquired. Bills for the annexation of Griqualand West, in accordance with Mr. Molteno's undertaking to Lord Carnarvon, and for frontier defence, for irrigation, and various other purposes were announced in the same speech.

At first the position of the Ministry seemed to be threatened by a more powerful opposition than the Parliament had hitherto seen. Mr. Southey, late Governor of Griqualand West, who had been elected as member for Grahams-town, commenced, in conjunction with Mr. Sprigg and Mr. Paterson, a series of attacks on the Ministerial policy and measures. Mr. Paterson took up the rôle of financial critic ; but the misleading character of his statements, and the utter recklessness of his assertions, made it impossible for anyone to take him seriously, and his attacks only resulted in strengthening the position of the Ministry.

The attack of Mr. Sprigg was rather directed to the question of frontier defence, though he joined Mr. Paterson in his financial strictures on the Government. An attempt was made to delay the discussion on the estimates with a view to forcing the Ministry to discuss defence first. Mr. Molteno was extremely indignant at the charge of neglect of the defence of the frontier. He had undertaken the responsibility of defending it with the resources at the disposal of the Colony, and in his reply he alluded to some of the measures which the Government had taken to allay the scare upon the frontier :—

The honourable member might not perhaps make these statements intentionally, but he certainly exhibited a great deal of carelessness and recklessness in the way he manipulated his figures. He was prepared to admit that there was a considerable increase under the head of defence, but this had been inevitable. At the time he (Mr. Molteno) was in England he could not have been in ignorance of what was going on in the Colony, nor shut his eyes to the excitement on the frontier. Whether there was any ground or not for the 'scare' was another thing; but, at all events, these facts were very detrimental. He sent out guns and a very large supply of ammunition, which the Imperial Government, upon his representation, were pleased to give at a very large reduction in price. He also sent out an increased number of men for the Frontier Armed and Mounted Police, and in spite of all these precautions, the Government were now charged with neglecting the interests of the country, and failing to attend to its defensive resources. He might say that the Government at that time managed to get the Buffs retained in the Colony by way of additional security, although the Colonel of the regiment had no instructions to take such a course, and ran the risk of being censured by the Home Government. Many other things were done, and it was untrue to say that the Government were insensible to, or indifferent to, the requirements and interests of the Colony.

The discussion which followed brings out powerfully the high sense of dignity which characterised Mr. Molteno's conception of responsible government. A charge being made by a leading member of the Opposition that the Ministry did not possess the confidence of the country, and several members showing a tendency to support the authors of the charge, he immediately said :—

Both the honourable member for Port Elizabeth and the honourable member for East London had, in the most distinct manner, challenged the Government, and charged them with incompetency in managing the finances of the country, and with failing in providing adequately for its protection. Two more serious charges than these it would be impossible to hurl at any Government, and they accepted the challenge. . . . It was not possible that any Government with a shadow of self-respect could sit in that House and have charges hurled against it, and not ask the House if it believed them true; and if that was its opinion of the Ministry, the Ministry must appeal to the House. . . . The whole of the

country was interested in what the House was doing. Let not consideration for himself or his colleagues weigh with the House, except the Ministry was still thought useful to the country. If the Government received an unmistakable vote on the part of the House (which had always favoured the Ministry with their confidence, and he hoped had not altogether withdrawn it), let the question be at once decided. There was no possibility of avoiding the issue, as the Government could not rest under the charges that had been made.

This was Mr. Molteno's view of the duty of a Ministry in immediately meeting a vote of want of confidence, expressed or implied; and as to himself personally, he said :—

He did not think the country would be very much benefited by a change of Ministry just yet. Honourable members might of course say, 'Oh! you want to keep your place.' He did not think any Minister had such a bed of roses after all, as was popularly supposed. He hoped he had higher aspirations and more lofty ideas than those of the mere continued possession of place, and a greater sense of his duty to his country than that. He would be willing to serve the country so long as he could do so honourably, but was perfectly willing to vacate his seat so soon as he was told, 'We have had enough of you, and we want somebody better than you.'

Finally, the Opposition did not dare to go to an issue on the question on which they had challenged the Government, by the mouths of their leaders, in terms the most distinct; they feared to court an ignominious defeat on a division, and they surrendered the cause they had boasted they would maintain.

A more pitiable spectacle (says the 'Argus') than that presented by the Opposition yesterday, has never been seen in the House of Assembly. Member after member of the anti-Ministerial party got up and protested that he did not wish to turn out the Government, nor had he wished to obstruct the business of the country. It was a day of apologies. Then the valiant Mr. Paterson, after the manner of street boys caught throwing stones, 'Please Sir, it was not me, it was the member for East London.' The honourable member for Port Elizabeth had not made his criticism on the financial position of the Colony out of any spirit of hostility to the

Government; he made it out of the love and affection he bore for the occupants of the Treasury Bench.

During the course of the debate, an incident showed the confidence of the Dutch-speaking members in Mr. Molteno, with whom a number of members generally voted as one man. Twitted with this, Mr. Botha rose in his seat, and in imperfect English threw the taunt back, and said:—‘It was not because they did not make speeches that they did not use their common sense, and, for his part, he would rather follow the Beaufort lion than the Colesberg foxes’ (Mr. Watermeyer and Mr. Cole). The confidence in the Beaufort lion was strengthened by the attacks upon the Ministry, who had never boasted of their acts, while they served to bring out clearly the wisdom and patriotism of their actions, which would otherwise have remained unknown and unpublished. As was well said at the time:—

In regard to the present Government, Mr. Paterson performs a very useful office. In the Roman Catholic Church, when it is proposed to canonise some departed soul of reputed sanctity, the tribunal is formed to investigate the act of the reported saint. Before this tribunal an officer appears, who states all the evils he can discover or imagine regarding the deceased; and because of the nature of his duties he is called ‘The Devil’s Advocate.’ Of course the charges he brings are refuted, the sanctity of the deceased is proved, and the departed soul is placed on the rolls of the saints. It seems to us that, as regards the Molteno Ministry, Mr. Paterson played a part not unlike that of ‘The Devil’s Advocate.’ He brings the most serious charges against the Government; but they are refuted, and the administration stands higher in public estimation owing to the ordeal.

We may remind our readers that this Mr. Paterson was the individual chosen by Lord Carnarvon to replace Mr. Molteno.

We must now draw attention to the steps which were taken by the Government to force Krelie to respect the Governor’s decision on the boundary question. They were prompt and vigorous, they had the desired effect without any

bloodshed, and served as a precedent for the action, which Mr. Molteno desired to take on the outbreak of the Galeka troubles, but which Sir Bartle Frere vetoed.

On the 20th of July, 1876, Sir Henry Barkly had reported to the Secretary of State on the condition of the frontier, recounting the steps which had been taken by the Ministers with his full concurrence.¹ Part of the ammunition which had just been purchased of the Imperial Government had been ordered by telegraph to be conveyed to various border towns. The Ministry did not believe there was any danger; they did not, however, ignore the alarm which existed—they adopted all the precautions in their power. The assistance of Imperial troops was asked from the Imperial Government to the extent of the ordinary reliefs for the 32nd regiment being sent out some little time beforehand. The Buffs were sent for this purpose, and, on their arrival, the Governor desired Sir Arthur Cunynghame to move them to East London.

In the despatch Sir Henry Barkly said:—‘It may be hoped that the advance of a large body of police beyond the Kei will not be called for, but that the effect produced by the mere disembarkation of the 3rd Buffs at East London will suffice to induce Krelis to respect the decision on the boundary question.’ It was further decided to augment the frontier police by at least 200 men, for which purpose active measures were being taken by the Government, and meanwhile its advance posts in the Transkei were being reinforced gradually and cautiously. By these means, and by the prompt suppression of all acts of insubordination, all risks of a serious outbreak were obviated.

Thus the Ministry, enforcing its own policy in accord with the High Commissioner, did all that could be done to give protection to life and property on both sides of the Kei, and to maintain the supremacy of the Queen. They sent for troops,

¹ *I. P.*, C—1748, p. 67; also *I. P.*, C—1776, p. 35, where Lord Carnarvon expresses his satisfaction with the steps taken by the Colonial Government.

and used them judiciously without parliamentary authority ; they increased the frontier police ; they forwarded 10,000 stand of arms to the border ; they purchased cannon for use if war broke out.¹ They acted vigilantly, vigorously, and with coolness, relying on the good faith of the Parliament to support them in what they did for the defence of the country.

The anxiety Mr. Molteno and his colleagues suffered at that critical time cannot be known to any but themselves ; but the attacks upon their administration served to bring out all these facts, which received the unanimous approval of the Parliament. Lord Carnarvon took the opportunity of again reminding the Colonial Ministers that they must provide against native disturbances, and that the Imperial troops must not be used for this purpose ; while, at the same time, he expresses his approval of their native policy :— ‘ I have no desire to find fault with the course which has been pursued by your advisers on native affairs. On the contrary, I have given on many occasions emphatic praise to a policy which has been, in its dealings with these uncivilised or half-civilised races, prudent and liberal.’²

The mode in which Mr. Molteno treated the question of frontier defence serves to bring out the continuity of his policy as head of the Government, with the liberal spirit of the constitution of 1854, drawn up as it was by Mr. Porter, and interpreted and fostered by Sir George Grey’s administration. It also served to bring out the importance which he attached to the preservation of the unity of the Colony for all purposes, and more particularly for that purpose which, above all, tends to bind the inhabitants of a country together, the defence of their common country.

A commission on frontier defence had sat in the recess, presided over by Mr. Sprigg, and several recommendations

¹ *I. P.*, C—1776, p. 88.

² *I. P.*, C—1776, p. 8.

had been made, some of which were adopted by the Government. There were, however, two of great importance, carried only by the casting vote of the chairman, which met a different fate. The one asserted that it was desirable to divide the Colony into two parts in respect of personal service during war time; the other, that a line of distinction should be drawn between the whites and the coloured inhabitants of the Colony. Both these principles Mr. Molteno rejected in the Government Bill, and the House of Assembly supported him in this affirmation of the unity of the Colony. In the defence of their common country there is not, and ought not, to be any difference made between east and west, any more than between north and south in England. It is the duty of all citizens to take up arms when the Colony is in danger.

On the second point Mr. Molteno was equally firm that in the defence of their country, as in the suffrage, no line was to be drawn between the white and coloured inhabitants. No line was to be drawn between whites and blacks merely on account of their colour. The men of colour, loyal to the Queen, and faithful to the Colonial Government, were not to be excluded from the defensive forces of the country, and so be led to consider themselves as enemies and not friends. This action of the Ministry is interesting in the light of what was so soon to follow. The native was to be disarmed by Sir Bartle Frere and regarded as an enemy, upon whose neck the white man's foot must constantly be set. It was not to the colonists that this fatal attempt to put into operation a principle new to South Africa was due; it was to the inspiration of the Anglo-Indian, Sir Bartle Frere, who directed his nominee and henchman, Mr. Sprigg, to carry out his orders in this as in other respects.

We may add in this connection very appropriately, what Mr. Solomon's organ in the Press wrote at this time of this treatment of the natives by the Molteno Ministry:—

It has often been said that the special mission of Mr. Solomon in this country was to obtain justice for the native races. If that be true, we say confidently, that the debates just ended show that the object of the mission has been accomplished. No retrogressive law stands any chance of being passed by the legislature of the Cape of Good Hope, and statesmen of England may rely on the good sense and love of justice in this respect of the Cape Parliament.

Remembering Mr. Solomon's wise, consistent, and unflagging efforts in the direction of justice to the natives, no better proof of the fairness and justice of the Ministerial policy towards the natives could possibly be adduced. When we recall the fact that Mr. Molteno had the almost unanimous support of the Dutch members behind him in this policy towards the natives, we may realise the extraordinary success which characterised his Ministry. It is true that Mr. Watermeyer was opposed to him, but this gentleman had now become an out-and-out advocate of the Imperial policy of coercion towards South Africa, and in this session he not only expressed his approval of the annexation of the Transvaal, but actually threatened the Cape Colony with the loss of its constitution if it did not immediately fall in with Lord Carnarvon's confederation proposals. Mr. Molteno was quite correct when in the preceding session he had shown that responsible government in Mr. Watermeyer's hands would be worthless.

The man who was to change all this harmony was already in South Africa, with a great philanthropic reputation to back him, and to mislead even men like Mr. Solomon into supporting him, till it was too late to prevent the evil he was about to perpetrate. When a division took place upon the Frontier Defence Bill, several members who voted against Mr. Molteno were immediately taken to task at public meetings convened by their constituents, while others would have voted with the Government had they thought it in any danger. A journal which had pre-

dicted great things of Mr. Sprigg's generalship among the principal Opposition members, was now compelled to confess that—

on many occasions during this session we regretted to see the course taken by Mr. Sprigg, but last night we really pitied him. The party of which he so much boasted was broken asunder, and they showed the rent to the world. Out-generaled in tactics, his last effort before a full House was turned into ridicule, and he was hoisted by his own petard. We are sorry that such a spectacle should have been presented, but it proved, what we have said throughout, that the party was a rope of sand and a sham. The Opposition of the session of 1877 is dead. Let it be buried with all decent speed. Even the abilities and energy of Mr. Sprigg could not create a party to live out of such materials.

It is this Mr. Sprigg whom Sir Bartle Frere chose, a few months later, for his minion, and whom he kept in power by the prestige and patronage of the Imperial Governorship and High Commissionership.

It is clear that Mr. Molteno remained unquestionably the only man who really possessed the confidence of the Parliament and the country. Sir Bartle Frere must have recognised the ridiculous character of Lord Carnarvon's intrigue with Mr. Paterson, and that it was foredoomed to failure, while he himself would have a most difficult task in any attempt to displace Mr. Molteno from the position he held in the Parliament and the country by any legitimate and constitutional means.

The fact to which we have already alluded, that Mr. Molteno was now carrying out his promise to Lord Carnarvon that he would annex Griqualand West to the Cape Colony, precluded Sir Bartle Frere from taking any active steps against him. But Sir Bartle Frere still tried to bring Griqualand West into union by confederation, and only discontinued his efforts in this direction when Mr. Molteno definitely declined to proceed except by annexation.

This Act for annexation was introduced by Mr. Molteno.

He shortly sketched the history of the question, and said, that the 'only reason why the House had refused before to annex the Diamond Fields was in consequence of the dispute with the Orange Free State, but this had now been settled.' On finding this to be the case, on his recent visit to England the question arose of the future government of the province of Griqualand West, and he there gave it as his opinion that annexation to the Cape Colony would be best in the interests of the province itself as well as of the Imperial Government and the Colony; he firmly believed that it would tend to the welfare of the whole of South Africa, as well as to the advancement of the province itself.

In the debate which followed, Mr. Southey, ex-Governor of Griqualand West, confirmed the view which Mr. Molteno had always held and had put before the Imperial Government, that by the erection of Griqualand West into a separate government the Cape Parliament was absolved from all responsibility or liability which might have attached to it owing to its resolution in 1871 in favour of the annexation of Griqualand West to the Colony. On a show of opposition being made, Mr. Molteno at once stated that the refusal to pass the second reading of the Bill could only be regarded as a vote of want of confidence in the Ministry; it was not a question which could be treated lightly seeing that he had pledged himself to the Secretary of State for the Colonies to do his best to carry the measure through.

Thus Mr. Molteno once more risked his political existence to carry out arrangements made to suit Lord Carnarvon's wishes. We may contrast with this the treatment which Mr. Molteno received at Lord Carnarvon's hands on this subject. This was not alluded to in any way by Mr. Molteno in the debate, but it was referred to by Mr. Marais, who said:

He especially deprecated the way in which the Colonial Secretary had been treated when he went to England last year only to find that the question of the boundary dispute had been already settled. He regretted the great act of discourtesy on the part of the Imperial Government, and the insult to the Colony at large. He was among those who voted for the introduction of responsible government, but really it seemed as if we were governed as much from Downing Street as ever.

The Bill was eventually carried without difficulty. Mr. Molteno felt the serious character of the step which was to be taken. Griqualand West was now in a very depressed condition, its population was a floating one with at that time no permanent stake in the country. It was of a very miscellaneous character, and derived its wealth solely from the mines. Seeking the earliest opportunity of leaving the country with its savings or its fortune, it was not a desirable population to trust with much political power. It was apparently of a turbulent character, for a rebellion had only just been quieted by the despatch of Imperial troops. It was moreover uncertain how long the mines would continue to yield, and admit of taxation sufficient to meet the expenses of its government.

The concentration of the mines in one spot, and the River Diggings in another well defined area, enabled the electoral constitution to be clearly and sharply defined, and four members were assigned to Kimberley, and two to Barkly, thus adding six members to the Colonial Parliament, while one member was added to the Legislative Council. The success of the management of this province upon its annexation to the Cape Colony, compared with its financial deficit and political unrest culminating in open rebellion in the period preceding its incorporation with the Colony, attests the superior efficiency which attends colonial administration on the spot in comparison with the distant and more difficult control from England herself. It affords an illustration of a numerous class of cases all

proving that while the Imperial Parliament may be trusted in the settlement of general principles, relying on the wisdom that has descended through generations of statesmen to the political leaders of the present day, yet in the application of these principles to other countries, and under other conditions, the Imperial Parliament, from want of local knowledge, is not to be trusted. This is generally conceded and acted upon in the establishment of responsible government in the colonies.

One of Lord Carnarvon's great objects had now been attained. The Imperial Government was relieved of Griqualand West.¹ A conciliatory policy towards the Free State had led to this result. A similar policy towards the Transvaal would have led to similar results in that direction, but Lord Carnarvon was in a hurry. He was not content to wait to register the success of this first step towards consolidation in South Africa. It would have been well for the success of Confederation and for the welfare of all South Africa had he been content so to do. He was, however, launched on the road of 'force.' The Transvaal had been seized. Sir Bartle Frere was to confederate and consolidate South Africa in two years. The annexation of the Transvaal, instead of tending to bring about an immediate federation, rather demonstrated its practical impossibility.

It was seen that the new federation, that is practically the Cape Colony, would have to deal with Secoceni, with Cetywayo, and other chiefs, to grapple with the internal disorders of the Transvaal, and would have imme-

¹ Notwithstanding the passage of the Act the annexation was deferred for the purpose of making Griqualand West count as a unit in the proposed confederation. Mr. Molteno was dismissed shortly after, and his successor acquiesced in this policy. Griqualand West appears in his conference proposals of 1880 as a separate state with three delegates, being half the representation accorded to the Cape! The conference was rejected by the Parliament of 1880, and thereupon only was Griqualand West annexed to the Cape.

diately to advance, as the Imperial Government was obliged to do, 100,000*l.* to maintain the government of the Transvaal. It appeared at once to all observers that the Transvaal was not then in a condition to be politically joined to other struggling communities, whatever its position might be after some years of British rule and British expenditure. It was clear to any impartial mind that the Cape Colony, coping with immense difficulties in the development of its physical resources, and in the government and assimilation of the newly annexed territories in the Transkei and elsewhere, had its hands so full that the assumption of any further burden was likely to be disastrous and fatal to the success of its undertaking.

All South Africa was now to be brought under Lord Carnarvon's direct control. Natal was subject to it by the constitution of 1875, the Transvaal was seized, and it was fondly believed that its fate could be disposed of by a stroke of the pen. The Free State and the Cape Colony remained the only parts of Africa still able to control their own destinies. The latter was now to come under Lord Carnarvon's direct control once more through Sir Bartle Frere. His policy and his officials were soon in complete possession of all South Africa except the small Free State.

We shall see the means adopted to bring the Cape under Sir Bartle Frere in our next chapter, and subsequently we shall have to record the disastrous results of this return to a direct control of South African policy from afar, which under the old personal rule of the Governor and Secretary of State had been demonstrated to be the most fatal, most costly and impossible mode of ruling South Africa. Local experience and knowledge was wholly set aside, the statesmen who thoroughly understood and were in touch with the population of South Africa were displaced for men newly arrived from Europe. Sir Bartle Frere,

Sir Owen Lanyon, and Sir George Colley were now the arbiters of its fate, to the infinite loss of South Africa, the embarrassment of the Empire, and the fall of the Home Ministry, which by its unwise policy had brought disaster by similar principles in two continents.

CHAPTER XXV

SIR BARTLE FRERE AS DICTATOR. 1877

Native Disturbances—Kreli and Fingoes—Governor temporises—Disregards Ministers' advice—Ministers' preparations—They urge vigorous action—Mazeppa Bay Landing—Relations of Imperial and Colonial Forces—Mr. Molteno urges immediate Advance—Proceeds to Frontier—Griffith in charge of Operations—Successful clearance of Galekaland—Governor's proposals for settlement of Galekaland—Forces them on Ministers at risk of a Crisis—Their unsuitable Character—Ministers urge Governor's return to Cape Town—Galekas come back.

'THE South African question is also a big one. It is capable of working up into the worst cluster of native wars that we have yet had.' So wrote Lord Blachford to Sir Henry Taylor in the same month in which Sir Bartle Frere left for South Africa.¹ The prophetic utterance was to be too surely realised. The native question in South Africa is one which exceeds all others in importance. It is the touchstone of a Governor's ability and wisdom. For twenty-five years there had been peace under Colonial management with but little Imperial interference. The responsibility for the management of the natives had been definitely placed on the Cape Colony's shoulders on its acceptance of responsible government. Three serious crises had arisen since then, and had been successfully dealt with by Mr. Molteno.

As soon as Parliament was prorogued Sir Bartle Frere announced his intention of making a tour through the Colony, particularly its eastern section. There was no reason at this time to anticipate, in the absence of bad management or a change of policy, any outbreak or trouble between the

¹ *Letters of Lord Blachford*, p. 878.

whites and the natives. His predecessor had informed him that on the Cape frontier everything was perfectly quiet, and that he thought that he might safely predict that Sir Bartle Frere would find no native difficulties to deal with so far as the Cape Colony was concerned. To the Secretary of State he had reported on the 23rd of February, 1877, just before Sir Bartle Frere's arrival, that 'perfect tranquillity now prevails from one end of the Transkei to the other.'¹ Nevertheless frontier defence had not been neglected by the Ministry, and steps which have been already referred to were taken by them. The question was one which if improperly handled or unwisely dealt with might lead to very serious results. Inasmuch as it was to afford Sir Bartle Frere an opportunity of dismissing his Ministry and placing his own nominee in power we shall be compelled to follow in considerable detail the course of the war which now ensued.

While the Governor was on the frontier a perfectly accidental collision took place between the Galekas and the Fingoes. A narrow river divided these tribes from one another, and at a marriage among the Fingoes, to which some of the Galekas were invited as guests, a quarrel arose because of the rudeness and insolence of the latter, and they were driven by the Fingoes across the river. This was considered an outrageous insult by the Kaffirs, and a band of Galekas invaded Fingoland to retrieve the national honour. This band was also defeated and driven back, and then a more organised invasion of Fingoland took place, and a large number of stock were swept off by the Galekas. The British Residents with the tribes interfered, and succeeded for a time in keeping the parties separated.

The policy which had led to the Fingoes being placed in proximity to the Galekas was one against which the Colony,

¹ Sir Henry Barkly's despatch: *I. P.*, C—1776, pp. 96 and 105.

through its Legislature, had protested.¹ It was done by the High Commissioner on his own responsibility. Kreli had in 1856 been driven by Sir George Grey out of the country between the Kei and the Bashee. This territory had in consequence been left vacant, and small bodies of natives from the surrounding tribes gradually began to filter into it, and it became necessary to make some provision for its government and occupation. Sir Philip Wodehouse proposed to divide it up into farms with a view to colonisation by a white population. Kreli thereupon made a demonstration. The Home Government, being alarmed at Kreli's move, refused their co-operation and assent, and Sir Philip Wodehouse was in consequence obliged to abandon his scheme, with the final result that a body of Fingoes, the natives who could be most relied upon by the Government, as well as a body of Tambookies, were placed in a portion of this territory, while the southernmost coast strip Kreli was permitted to reoccupy with his people.²

When Lord Carnarvon announced that the Imperial troops were to be gradually reduced and eventually to be removed from the Colony, a strong protest was raised by the Legislature against the withdrawal until the results of this policy on the part of the High Commissioner had been more fully developed.³ It was contended that trouble was inevitable owing to the proximity of native races so hostile as were the Fingoes and the Galekas. The Fingoes, originally in a position of subjection, indeed almost slavery, to the stronger Kaffir races, had naturally taken sides with the British Government in the Kaffir wars since 1835. Kreli saw with bitter anguish their occupation of part of his ancestral king-

¹ 'The restoration of Kreli and his tribe was carried out by the Governor as an Imperial measure in opposition to colonial advice, and it was predicted that it would sooner or later lead to trouble and disturbance.'—*C. P.*, G—43, 1882, p. 5.

² *I. P.*, C—2144, p. 91; also *C. P.*, G—43, 1882, p. 5.

³ *I. P.*, C—459, pp. 6, 22.

dom, while he complained that he was shut up within bounds too narrow for his people. At first it seemed as if the Fingoes in the presence of the more uncivilised Kaffirs would go back from the position of semi-civilisation to which they had attained within the Colony, but with the assistance of Residents among them they continued to progress, and by this time were possessed of numerous herds of cattle, to the envy of their neighbours, while Kreli had never ceased to complain of the want of land for his growing tribe.

As soon as news of the outbreak was received Mr. Molteno urged upon the Governor the course which had enabled his Government on three successive occasions to deal with native crises. The steps which had been taken for prompt and active intervention should the orders of the Government be disobeyed had been perfectly successful, when war broke out between Kreli and Gangelizwe in 1872. Again, when Langelibalele crossed into Basutoland, the Frontier Armed and Mounted Police had immediately moved up to support the loyal natives, with the resultant and immediate recapture of this great chief. And so lately as the autumn of the preceding year, when Kreli had shown a disposition to disobey the injunctions of the Government and disregard the boundary between himself and the Tembus laid down by the Government, a similar prompt policy had succeeded.¹

Similar energetic steps were now urged upon the Governor, the 'F. A. M.' Police were immediately ordered forward to the border of Fingoland and concentrated in positions where they might support the Fingoes. It was also suggested, as had been done on former occasions, that as a matter of precaution two companies of the 88th regiment should be moved up from Cape Town to East London. The Governor, however, replied to Ministers that he did not consider the matter was so serious. To Mr. Molteno's telegram that 'upon a general

¹ C—1748, pp. 67 and 77.

review of the situation he had arrived at the conclusion that it was inadvisable to stop the embarkation of troops,' and asking whether this view was concurred in by the Governor, Sir Bartle Frere replied 'he was not satisfied that a movement of troops was required, for he thought that it might add to the Galekas' apprehensions that we intended to attack them.' The order for the troops to move up was countermanded, and the Governor at the same time, without consulting with the Ministry, himself communicated with the Commandant of Police, directing him to inform the natives that they must refer disputes to the Government.

In further pursuance of this policy, after the efforts of the magistrates had secured a temporary cessation of attack, he determined himself to proceed to the Transkei. The advice of Ministers had been : 'Move upon Kreli with all the forces at your command; hit him hard, hit him often; move quickly; give him no time to perfect his plans.' There can be no doubt that had this been done the war would have been at an end in six weeks' time, but the High Commissioner, having had no experience of Kreli or of Kaffir tribes, followed his own views, instead of using the experience of men who had lived among them and known them all their lives. It is hardly necessary to say that Kreli refused to see the High Commissioner, and though hostile steps had been suspended while he was present, the moment he crossed the border the Galeka raids recommenced.¹

Meantime the force of police who had already moved up were worn out by awaiting the result of these fruitless negotiations. They had no permanent camps or establishments, and the delay was very disastrous to them. The men themselves were saddle-sore and their horses were run down in condition, for the local pasturage had been destroyed by the exceptional drought. If the police had been hurled at the enemy before its strength and freshness

¹ C. P., A. 7—'78, pp. 21, 25.

had been in this way wasted by inaction, it would at once have carried all before it. This was the first serious disregard of the advice of local and responsible experience by Sir Bartle Frere. The Ministry were told in effect, 'You carry on things with a very high hand in the Colony, but in the Transkei I am High Commissioner.'

In order to apprehend the position clearly the reader must bear in mind that the Transkei, in which Kreli resided on sufferance, was not annexed to the Cape Colony, and that in consequence the Cape Ministry did not possess the same authority in it as in the Colony itself. Sir Bartle Frere, in virtue of his office as High Commissioner, was empowered to deal with the affairs of territories bordering on the Colony. On the other hand the affairs of the Transkei had been looked upon as of Colonial concern, for the effects of any disturbance in that country were immediately felt on the Colonial border, and the only mobilised force which could immediately deal with them was a Colonial force, the Frontier Armed and Mounted Police.

Sir Bartle Frere, it is hardly necessary to say, was not prepared to forego any of his legitimate prerogatives; on the contrary, as we shall see later on, he meant to assume many which were not legitimate. His knowledge of constitutional law and government was so meagre that his first despatch to Lord Carnarvon complained of the rule so well recognised and established that the Cabinet does not deliberate in the presence of the Sovereign but in private, and he added that he would not observe this rule longer than he thought desirable. It was clear that the position was a very difficult one, and full of complications only to be overcome by the utmost tact on each side.¹

¹ This difficulty of the conflict of jurisdictions had not been unforeseen by Sir Henry Barkly when he carried out the introduction of responsible government, and he had suggested to Lord Kimberley that a distinction between the responsibilities should be made, the Colony being responsible for any operations within its bounds while the High Commissioner and her Majesty's Government

The most effective measures against barbarous enemies are those which are promptest and which destroy their *morale*. Once allow them to fancy that you are hesitating and their courage immediately revives, they become formidable in their great numbers. But attack them instantly, give them no rest, allow them no time to recover, and the largest numbers may be driven before a compact force of civilised men infinitely inferior in numbers. Anyone who studies Lord Roberts's narrative of his Afghan campaigns will not fail to perceive the enormous importance of attacking a barbarous enemy before they are encouraged by the possession of strong positions near, or have formed combinations which lead to their being mustered in large numbers in your neighbourhood ; above all, never allow them to believe that there is any hesitation in attacking them.

There can be little doubt that had the forces been moved up, as Mr. Molteno had arranged, directly he knew of the first conflict with the Fingoes, the effect on the Galekas would have on this, as on previous occasions, been instantaneous, and they would not have dared to renew their attack when the Governor left Galekaland. Mr. Molteno, in his instructions to Commandant Bowker, tells him that he had arranged for these forces to go to the frontier, and that he should let it be known in the Transkei as widely as possible through his confidential native agents.

We must be fully prepared (telegraphed Mr. Molteno to Mr. Merriman)¹ and I think it necessary to take steps accordingly. I

should be responsible for any operations which might become necessary beyond the bounds of the Colony properly. Lord Kimberley however replied that he could not sanction any such distinctions, and that the Colony must be entirely responsible for its own defence against native aggression whether internal or external, while Lord Carnarvon himself had again, so recently as the 3rd of January of this year, reminded the Colonial Government that the duty of providing for native disturbances of necessity devolved on the Colonial Ministry 'when responsible government was established in the Colony.'—C—1776, p. 3.

¹ Mr. Merriman had succeeded Mr. Abercrombie Smith as Commissioner of Crown Lands and Public Works.

have this morning arranged for 300 men of the 88th to proceed to East London in the *Anglian*, and have directed Bowker to concentrate his police as much as possible with a view to moving on the disturbed points. Brownlee will leave in the *Anglian*. His influence with the Gaikas will most likely keep all quiet in that direction, so that we may the more easily deal with Kreli. I think it would be well if you could proceed immediately to King William's Town.¹

The native policy here indicated was all frustrated by the Governor's action in countermanding the troops. Had the Galekas been stopped at the outset, the subsequent effects of their outbreak in causing the Gaikas and Tambookies to rise would have been avoided. Just as the three preceding crises had been successfully dealt with by the Colonial Government's promptitude and vigour, so now the necessity for further fighting would have been obviated.

The Governor hesitated, he said he would not prejudge Kreli, notwithstanding the fact that he was advised by the Secretary for Native Affairs that according to well-known signs Kreli had committed himself to war. This temporising policy was regarded by Kreli as an indication of hesitation to support the Fingoes. As soon as the Governor's back was turned the raiding began in earnest.² On the 24th of September Colonel Eustace, the Resident with Kreli, retired upon the police, and Commandant Griffith was appointed to relieve Commandant Bowker, who retired through ill-health from the command of police in the Transkei. On the same day Mr. Merriman tells Mr. Molteno that the Governor still hopes to settle matters without serious complications, while Mr. Molteno asks: 'What does his Excellency think with regard to any movement of troops from this end? My opinion is that we should rather err on the safe side than otherwise.'

Mr. Merriman replied that they proposed to warn all

¹ The Governor acknowledged the vigorous and prompt steps which Mr. Molteno took in writing to the Imperial Government.—A. 7—'78, p. 39.

² C. P., A. 7—'78, p. 25.

burghers along the Kei border and to appoint Messrs. Cowie and Brabant Field Commandants at once, and that the question of moving troops to the frontier would be considered. Mr. Molteno concurred in these steps, saying that vigorous action on our part should be taken, so that Kreli might see the utter hopelessness of resisting our just demands.' He added that 'however necessary it may be to avoid expense as much as possible, it must be a secondary consideration in a case of this kind.' On the following day Mr. Merriman announced that he and the Governor did not think it well to move the 88th, to which Mr. Molteno replied that in the event of actual fighting having commenced, the despatch of a portion of the 88th in the direction of Mazeppa Bay would have an important effect upon Kreli's people.

The police were now instructed to resist the Galekas if they attacked the Fingoes. If the Galeka forces were too numerous to be arrested then force was to be used. On the 25th of September Commandant Griffith arrived at Ibeka, and on the 26th the first blow was struck. A large number of Galekas had engaged the Fingoes, when a patrol under Mr. Chalmers came upon them, and he did not hesitate to attack with some eighty police and 1,000 Fingoes. The action was carried on against a very large number of Galekas, but the single gun which the police possessed, after doing good work, broke down, at which the Fingoes became alarmed and retreated, and the European force was obliged to do likewise, with a loss of several men.

Almost immediately afterwards the post at Ibeka was attacked, and an action took place, which was chiefly one of artillery, and the assailants were driven back. Commandant Griffith now awaited reinforcements in order to break up the bands of several thousands of men who were mustered around Kreli's kraal for the avowed purpose of plunder and expelling the Fingoes. When it was found that all efforts to settle things peacefully were useless, it was at last agreed

that men were to be called for. There could be no further question as to Kreli's position of hostility, and vigorous action was necessary. The Governor and Mr. Merriman called for volunteers from the frontier districts, the call was immediately and admirably responded to, and Commandant Griffith was rapidly reinforced.

Mr. Molteno nevertheless questioned whether, looking to the large native population, and especially the Gaikas, it was wise to denude the frontier districts of the volunteers and burghers, and suggested whether it would not be better for him to send up men from the west and the districts more remote from the frontier. A reply, however, came from the frontier that Mr. Molteno might make himself easy, and that there was no reason to anticipate trouble on this side of the Kei. Ministers had said 'we can get 500 from Cape Town and 500 from Port Elizabeth,' but the reply was 'no, we merely want fifty men from each place for the moral effect, showing that the whole of the country would act in unison.' Ministers held up their hands in astonishment, and said that unless some more decisive steps were taken, Sandilli would rise and the war would spread further and further; but instead of calling for the men as advised, the everlasting refrain was, 'Keep quiet, keep quiet.'

At last it was agreed that something should be done, and troops were sent for to be brought up in the *Active*. Mazeppa Bay or some spot in that neighbourhood was suggested as the most desirable point for carrying out a successful plan of operations, but instead of being landed there they were stopped at East London. When Ministers complained of this, and information was received from East London that troops could be landed at Mazeppa Bay, they were told to send up volunteers from Cape Town and land them there. Mr. Molteno then telegraphed to Mr. Merriman:—

Am not yet in a position to answer your message for steamer for Mazeppa Bay. What do you propose to do in this respect?

Must be fully informed of plans before I can consent to be held responsible for any new move of this kind. Why was *Active* stopped, and troops landed at East London? Left entirely in the dark on this point. If man-of-war with all her appliances could not do anything in this direction, I have no faith in a merchant steamer.

And again :—

If the expedition of the *Active* were considered foolhardy by you all, I have not a moment's hesitation in saying that in my opinion the idea of sending volunteers to do anything of the kind is ten times more foolhardy. If the troops had landed and established themselves there I was prepared to follow the movement up with volunteers.

The Minister refused to give the order and the Governor admitted the soundness of Mr. Molteno's objection ;¹ but subsequently when orders were given by the General at King William's Town for the remainder of the 88th to be brought up and landed at Mazeppa Bay, they put into East London, and were landed there. The Governor had himself overruled the General and the Cabinet,

The question now arose as to what should be the relation between the Imperial troops and the colonial forces. Mr. Molteno's views, as will appear subsequently, were most decided. He held that the Imperial troops were not fitted for Kaffir fighting, and that the rough and ready ways of colonial forces, commanded by their own officers, who thoroughly understood the Kaffirs and their mode of warfare, were infinitely more effective. Moreover, the responsibility for the defence of the frontier of the Colony devolved upon the Colonial Government, and he was prepared to undertake it. Matters were brought to a head by the proposal made by the Governor that the General should have formal command of the troops in the field. Mr. Merriman telegraphs :—

Very urgent. Governor and I concur in thinking that General should have formal command over all forces given him. Griffith,

¹ *I. P.*, C—2000, p. 62.

with rank of Colonel, will command all troops, Imperial and colonial, on the other side of Kei. . . . Wire your concurrence at once, so as to avoid complications. Push action. We issue Gazette at once.

To this Mr. Molteno replied :—

Am I to distinctly understand that Griffith's action is not in any way fettered by the position of the General? . . . I think the Imperial troops should not be brought in contact with the enemy; their presence at King William's Town, Komgha, and neighbourhood would be most valuable in inspiring confidence and overawing the Gaikas, letting our forces be to the front and fighting the battle.

In this same telegraphic correspondence Mr. Merriman says: 'The direction of forces Transkei is left entirely to Griffith, who is not the man to let the grass grow under his feet,' and again, 'Rest assured that I will take care that Griffith's action is in no way fettered,' while the Governor himself writes under date the 1st of October to Mr. Molteno :—

The General and Colonel Glyn have acted most cordially with us, and, I think, done everything we have asked them, and made the very best disposition of our very limited military means. Sprigg and others have asked publicly 'whether it is the principle of Government that her Majesty's troops are to stay in garrison when the burghers and volunteers go to the front'; but we need not heed the implied sarcasm, first, because we are acting in compliance with a very careful and well-considered opinion of Griffith that her Majesty's troops should hold the railway line, East London, King William's Town, and Greytown, and advanced posts at Komgha and Impetu to cover the line of the Kei; and second, because for detached service across the river at this time of the year, when heavy floods often last for days together, the police and burghers are better adapted than regular infantry who must move under different conditions from light and irregular forces.

From this it is clear that at that time the Governor concurred in Mr. Molteno's view that it was desirable that the fighting should be done by the Colonial troops, the Imperial troops taking up fixed stations in the Colony. A

single infantry regiment, the first battalion of the 24th, without cavalry, artillery, or transport train, represented the whole regular forces available.¹

Mr. Molteno urged that rapid and effective action should be taken against the enemy, and on the 5th of October he telegraphs to Mr. Merriman :—

I am somewhat alarmed at the general tenour of your telegrams of yesterday, and especially of the one commencing with these words : ‘ General proposes to send at once for ordinary reliefs,’ which seems to indicate that we are to be precipitated into a Kaffir war of the old type instead of quick and sharp action in the disturbed quarter, for which purpose I had hoped by this time sufficient reinforcements would have reached. Does the General look upon this as an Imperial war, and is the expense to be defrayed by Imperial funds, and is he prepared to draw upon the Imperial Exchequer to the required extent? We cannot afford to do things in the old way, and it seems to me evident that he contemplates a long affair, and is bent upon getting together a large force before striking a blow. I hope I am wrong; but if not, I think any such dilatory proceedings would place us in a very awkward position, and would certainly have an injurious effect upon all natives whether acting for or against us.’

To this Mr. Merriman replied that the Governor did not consider this an Imperial war of the old kind. As he was actually telegraphing, Sir Bartle came into the telegraph office, and Mr. Merriman reported ‘ the Governor very distinctly sympathises in your views, and tells me to say that he said nothing to Lord Carnarvon, nor to Commander-in-Chief indicating a wish for reinforcements, beyond a few artillerymen from St. Helena.’

Mr. Molteno insisted that Commandant Griffith, the Colonial officer in charge of the operations, was not to be in any way fettered by the proposed position of the General :—

Griffith’s experience entitled him to the confidence of the Government; and the Colony generally is, I have no doubt, of the same opinion. My own experience teaches me that in a matter of

¹ Sir B. Frere to Earl Carnarvon, *C. P.*, A. 7—78, p. 36.

this kind inaction and delay are most dangerous, and, above all things, to be avoided. It saps the order of and wearies the volunteers and burghers. Their horses become useless, and, on the other side, the enemy is emboldened. Strike quickly and sharply would be my advice at almost any risk. If the Tembus are to be made use of at all under Elliott, I would hurl them upon the enemy without a moment's delay, follow them up sharply with the Fingoes, who would want no commissariat arrangements, then the mounted police, burghers, and volunteers; and the result would not, I think, long be doubtful in driving the enemy out of his country; and if Moni and the Pondos are to be depended upon—which, I think, they are, their interests lying in that direction—the Galekas would be done for. . . . I firmly trust in your not giving your countenance to a moment's unnecessary delay or of any idea of waiting to accumulate a large force, which it would be difficult and costly to provide for, and might in the end, as I have seen before, be comparatively useless.

On the 4th Mr. Merriman telegraphed: 'We have 1,300 men in the field, 1,000 mounted,' and that 'no more troops were needed.' On this information, Mr. Molteno continued to urge immediate action, and on the 9th he again telegraphed to Mr. Merriman:—

Is there yet no forward movement on Griffith's part? I must beg of you to let us know what orders have been given to him. The golden opportunity of attacking Kreli, if not already lost, is, I fear, likely to be so; and all our preparations for getting together an army before doing anything will end in the usual way—no enemy fool enough to fight us on those terms. Pray inform us more fully what you intend to do, and the results of your daily councils of war; I do not want details. Must be more fully informed, for the fears which I entertained and communicated to you some days ago are by no means diminished, but quite the contrary. I wish the General could be got to see the advisability of confining himself more to movements of Imperial troops, and to any expenditure he is prepared to bear the cost of from Imperial funds; but we must act in a more rough and ready and economical manner, even if there should be, in the opinion of some, more risk.

The difficulties caused by the Governor's absence from the seat of Government, together with the division of the Cabinet which was involved thereby, now began to be felt.

Mr. Molteno was not satisfied with the position of affairs on the frontier; a serious hesitation to act seemed to possess those at the front. On the day on which the last telegram referred to was sent, a Cabinet Council was held, and the result was announced in the following telegram:—

At our Cabinet meeting yesterday we fully discussed the position of affairs, and arrived at the conclusion, looking at the point to which things have arrived, that it was advisable that I should with as little delay as possible join you. There are many difficult questions requiring full discussion with the Governor which it is quite impossible satisfactorily to do by telegraph; and postal communication is altogether too slow nowadays. Under these circumstances, I immediately set to work making the necessary arrangements for my departure, and am now fully prepared to embark in the *Melrose* which sails this afternoon at four o'clock. . . . I have no doubt, under Captain Mills's able management, with two Cabinet Ministers to refer to, everything will go on without a hitch.

Mr. Molteno left on the 10th of October, and arrived at King William's Town on the 14th or 15th. On the 17th Griffith began his advance to sweep Galekaland,¹ and we must now describe the preparations which enabled the advance to take place.

It was on the 26th of September that the attack had taken place on Commandant Griffith's position. The news of this engagement was sent to King William's Town by telegraph on the 27th of September, and the Government at once issued orders to the different Civil Commissioners to push forward volunteers as fast as possible. The idea was to localise the disturbance as much as possible in the Transkei. The Civil Commissioner at Queen's Town was communicated with, and Queen's Town answered with a readiness which did them infinite credit. Within a very few hours a force of fifty-eight men marched from Queen's Town across Fingoland to Ibeka, and at the same time fifty of the Frontier

¹ *C. P.*, A. 7—'78, p. 79.

Armed and Mounted Police left Queen's Town to reinforce Mr. Hook's troops. Arrangements were made with the General, at the request of the Government, for taking up all the troops from Cape Town to the frontier, and they, of course, were very anxious for action; but it was decided by the Government that the best course would be for the military to take up positions lining Galekaland and the Gaika location, leaving the work to be done by the police and volunteers. The great object was to get the police and volunteers to the front as soon as possible. From the 27th of September until the first blow was struck was a very anxious time indeed. The whole police force in the Transkei was something like 300 men. Out of this some twenty or thirty had to go to Blytheswood with the women and children, fifty more were left at Toleni, an important post on the Kei, to guard the communications, and that left only about 180 men to guard Ibeka where the first attack would be made.

It was a very anxious time, these two days before reinforcements could reach Commandant Griffith; if the police had given way, and there had been a general rush of Kaffirs over Fingoland, it is impossible to say what would have happened. They stood firm, however, until reinforcements were able to come up; and a great debt of gratitude is due to the police for the stand they made at Ibeka. It was not long before the Colony answered with an excellent spirit to the call made. Every town on the frontier gave its quota—Grahamstown, King William's Town, Queen's Town, and Cradock all came forward, and sent up men with supplies and ammunition to the front; and about the 2nd of October Commandant Griffith was secure in his position. The Kaffirs could not break through into Fingoland, and it was equally certain they were not likely to make a raid into the Colony, leaving their rear unprotected.

From this date the disturbance was localised. On the 3rd of October, in consideration of certain difficulties which

the Government anticipated were likely to arise in ordering the forces about, Lieut.-General Sir Arthur Cunynghame was put in nominal command, but with the distinct understanding that Commandant Griffith should be perfectly unfettered in his action in Galekaland. The General did not interfere with Commandant Griffith at all.¹ Not a single order was issued, and the colonial officer was perfectly unfettered, so that whatever credit or discredit there may be in regard to the Galeka campaign belongs, not to Sir Arthur Cunynghame, but to Commandant Griffith and his forces. It has been said that this virtually gave Sir Arthur Cunynghame powers which the Government resisted. It was nothing of the kind. He was put in nominal control of the police; but with the actual and definite control he had nothing at all to do, and his own despatches bear this out; while another proof of this is that the supplies throughout remained in the hands of the Colonial Government, and it is an undoubted military regulation that supply and command and control must go together.

Affairs progressed in Galekaland, and on the 17th of October Commandant Griffith was able to make an advance, troops and supplies having arrived. He had under him a force of 1,200 mounted men and 400 infantry, together with native allies—Tembus and Fingoes under Major Elliott and Mr. Ayliff—numbering altogether about 8,000 men. One or two actions had taken place as the result of reconnaissances by Griffith around his position, but it was only on the 17th that he began to advance in three columns. The success of the movement was unchecked; the whole of the country was swept clear by these columns, and on the 2nd or 3rd November he reached the Bashee, across which Kreli had fled with the remnant of his people. Hence he was pursued into Bomvanaland across the Umtata, and driven into the interior of Pondoland; and thus, thoroughly

¹ See the General's despatch, *C. P.*, A. 7—'78, p. 120.

routed and demoralised, the Galeka army was looked upon as entirely extinguished.¹

The success had been exactly what Mr. Molteno had predicted. It is true that the General had drawn Sir Bartle Frere's attention to what he called the critical position of the police force on the edge of Kreli's country, and that from what he had seen of the civil organisation he felt bound to tell the Governor that he augured the most unfortunate results, and such as only to lead to disaster.² This is exactly analogous to the predictions made in 1846 by the Imperial officers when the colonial commandants arranged an immediate attack on the Amatolas, and subsequently on Kreli. This want of 'organisation' was exactly what made the colonial troops so effective in South African warfare. The men had not been reduced to mere pawns; they were real live units, who could ride and shoot perfectly, and could make use of every advantage offered by the nature of the country. Subsequently, even the General was obliged to admit that:—

Commandant Griffith has been perfectly successful in entirely defeating and subduing the chief Kreli and his army, and that in effecting these measures he had been careful to leave their details in the hands of Commandant Griffith, to whom the honour and credit are due of this successful issue.³

The Frontier Armed and Mounted Police and Colonial forces had been employed alone with native allies, the Imperial troops being in garrison and in fixed stations at Forts Cathcart and Cunynghame, East London, with advance posts at Komgha and Pulleine's Farm and Impetu, while the Kei mouth had been held by a strong force of volunteers and a detachment at Toleni to cover the main road across the Kei.⁴ The Imperial troops were naturally chagrined at seeing the Colonial troops doing all the fighting, and were very eager

¹ C. P., A. 7—'78, p. 120.

² *Ibid.* p. 54.

³ *Ibid.* p. 120.

⁴ *Ibid.* p. 38.

to take this work on themselves. The Governor had, however, up till now agreed with the Ministry in leaving the conduct of operations to the Colonial troops, giving the General only a formal authority over them, and General Cunynghame reports to the Secretary for War that 'no actions otherwise than of a defensive nature have been required of her Majesty's troops, the political arrangements of his Excellency the Governor preventing the necessity of a conflict which otherwise I felt assured would have taken place.'¹

As soon as the advance had begun in earnest, owing to his efforts and presence, Mr. Molteno left King William's Town for Cape Town, where he arrived about the 28th of October. Thus ended the first critical period in the history of the war; Mr. Molteno had at last had his way, and the attack on the Galekas had met with every success. The Imperial troops had given the aid of their prestige and presence on the border to protect the base of operations and to give confidence in case of any reverse. The operations had been entirely conducted by Commandant Griffith, a Colonial officer, and the General had not issued a single order, but had merely received and forwarded his reports.

Looking to the fact that the Transkei was a quasi-foreign territory and Kreli a quasi-foreign enemy, it was impossible for Mr. Molteno to resist the Governor's proposal to give Sir Arthur Cunynghame this nominal control, but he did insist that it must be really nominal, and the arrangement had, as the General himself testified, been absolutely successful. There was no conflict between Imperial and Colonial commanders. Griffith now returned slowly to Ibeka and reported that the war was over. The commissariat for the whole of the campaign had been managed by the Colonial Government, and had been carried out most successfully; not a man died of want or exposure, indeed

¹ C. P., A. 7—'78, p. 111.

not a single man died of sickness of any kind throughout the campaign.

The war was now regarded by the Governor as entirely over. On the 13th of November the Governor telegraphed to Lord Carnarvon: 'Kreli's force effectually broken up, dispersed and cleared from Galekaland, fugitives driven through Bomvanaland across the Umtata; Griffith considers field operations nearly over—is sending home volunteers and burghers; the Colony quiet.'¹ General Cunynghame reported to the same effect on the 27th of November.² And finally, Sir Bartle Frere, under date the 4th of December, 1877, writes to Lord Carnarvon of the complete success of the whole campaign:—

Looking to the results achieved in such a short period, I feel assured that her Majesty's Government will highly estimate the value of the services of Commandant Griffith and the forces under his command . . . This is not perhaps a fitting occasion for *congratulating the Colonial Government on the success which has attended their measures for meeting the Kreli crisis*, but in mentioning to your Lordship for the information of her Majesty's Government those who have most contributed to the success of Commandant Griffith's operations, justice requires that I should not omit to record my sense of the degree in which the services of the forces in the field were aided and supported by the unflagging energy and quick intelligence of the Honourable Mr. Merriman, the Commissioner of Crown Lands, who was charged by Mr. Molteno and his colleagues in the Ministry with the civil duties which usually devolve on a Minister for the War Department.³

We must bear both these eulogies in mind, as in the following month Mr. Molteno's advice, according to Sir Bartle Frere, was that of a 'lunatic,' and Mr. Merriman was charged with having 'assumed the position of War Minister.'

By pure accident Mr. Merriman had been present with the Governor on the frontier when the outbreak took place. Mr. Brownlee, the Secretary of State for Native Affairs,

¹ C. P., A. 7—'78, p. 82.

² *Ibid.* p. 111.

³ I. P., C—2000, p. 10.

had gone up to use his influence with the Gaikas. Thus there were two Cabinet Ministers with the Governor, and Mr. Molteno had given to the triumvirate full power of acting as they deemed best in Transkeian matters, with the proviso that no serious step was to be taken without communicating with the rest of the Ministry and that he himself was to be kept fully informed of all that went on.

Sir Bartle Frere communicated this arrangement to Lord Carnarvon.¹ But it had not been adhered to, and as we have seen, Mr. Molteno was compelled to proceed to the frontier himself. Frequent complaints were made by him that he was not advised of what was done, and that serious steps were taken without consulting him or without giving sufficient time for proper deliberation. The Governor made use of this state of affairs for enforcing his views on the members of the Cabinet who were present with him and were then subjected to his direct influence. In this way he divided the Cabinet and increased Mr. Molteno's difficulties enormously.

The most important proclamation for the deposition of Kreli had been issued without the sanction of the Cabinet in Cape Town. Now a more serious difficulty arose which threatened a Cabinet crisis, and the circumstances of which serve to bring out Sir Bartle Frere's characteristic of 'taking his ignorance for superior knowledge.' He had but lately arrived in South Africa, and had but little time to learn much of its people or its natives. Yet he had himself drawn attention in the case of India to the dangers of sending out an active man for a short time, infinite mischief being the result, due to want of knowledge of the complicated conditions which prevail on the spot.

The Governor and the members of the Cabinet on the frontier represented that Galekaland was thoroughly subdued and conquered, and they proposed to Mr. Molteno a plan

¹ C. P., A. 7—'78, p. 22.

of settling it immediately with Scotch and German families. It was projected that 332 of these households should be located in Galekaland beside the 10,000 Galeka families. The proposition was no sooner made than it was pressed with persistence both by the Governor and by Mr. Merriman. On the 1st of November the Governor telegraphs to Mr. Molteno: 'Griffith's reports lead us to believe Galeka territory nearly cleared; am anxious to have your assent to sending upward the Germans to occupy the country in rear and begin settlements.'

To this Mr. Molteno replied that he must have Mr. Merriman's remarks on the subject before he was in a position to give any opinion, and he informs Mr. Merriman, who also pressed the plan upon him, that it was a very serious matter, requiring the consideration of the Cabinet. Next day a fresh telegram came from the Governor pressing for immediate assent, and saying that, unless the proposition were carried out, he might have to send the Imperial troops into the Transkei, thus making use of a threat of a course which he knew was entirely against Mr. Molteno's wishes. Mr. Molteno replied that he would give a decision as soon as he had received the particulars for which he had asked, and had been able to consult his colleagues in the Cabinet.

Two days after the Governor again telegraphed:—

Very sorry you still object to plan of sending Germans Transkei; consequences may be very serious. I entirely object to plan of Fingo plantations. I foresee a very serious Fingo difficulty ere long if proper measures are not soon taken, and I must decline all responsibility for results . . . I wish any advice you may be so good as to offer me given under the fullest Ministerial responsibility. Till I am favoured with your advice it is impossible for me to say what action it may be necessary for me to take.

These telegrams show the determined and persistent manner in which Sir Bartle Frere was forcing his views upon the Cabinet. The Cabinet met at once, and a minute

was drawn up recommending the Governor to return to the seat of the Government, when the Cabinet would then be united and advise him as to the scheme of settlement to be adopted.¹ This minute was telegraphed to Mr. Merriman and Mr. Brownlee for their concurrence. They replied that they did not think the Governor could return at present, thus agreeing with the Governor, under whose influence they were, rather than with their colleagues. Thereupon Mr. Molteno had a series of telegraphic conversations, in the course of which he makes some remarks which show the very serious nature of the crisis, and illustrate how determined the Governor was to have his own way, notwithstanding the very limited character of his knowledge of the natives and the frontier generally. Sir Bartle Frere had been made practically dictator of South Africa, and could ill brook the Cape Ministry interfering with his views of what was desirable.

Mr. Molteno, in telegraphic conversation with Mr. Merriman, first reviewed the minute above referred to, and asked whether he concurred. Mr. Merriman replied that a hesitation to accept his plan for settling Galekaland would be resented by the Governor, who was

ready to take the full responsibility for all things done by his advice. And this means that under the name of the High Commissioner we can settle the country as we please, and success and the emergency, with the Governor's minute, will be ample justification to Parliament.

Mr. Molteno answered that he had not the slightest intention of giving a rebuff to the Governor :—

I believe the Governor's true friends are those who wisely and correctly advise him, and it would be a fatal mistake to lead him to suppose that he is likely unaided to bring things to a satisfactory termination. It appears to me to resolve itself into this :

¹ A defence of Sir B. Frere's refusal to return to Cape Town has been made by his biographer, by stating that there was only a weekly post to the frontier, entirely ignoring the telegraph, by which conversations were carried on daily. *Life of Sir Bartle Frere*, vol. ii. p. 199.

Are the forces of the Colony and the conduct of this war to be taken out of the hands of those only really responsible people and a sort of *carte blanche* given to the Governor to act as he thinks best, trusting to the result being satisfactory, the Ministers becoming little more than executive officers; in fact, the practical abandonment of responsible government? What responsibility can the Governor incur? The Ministers are the people to bear the responsibility of whatever is done, and the Colony will certainly not absolve them from that. We must, in my opinion, all act constitutionally. The Governor may wish to summon Parliament in the Eastern Province,¹ or anything else, but his Ministers must control him, or he must dismiss them and choose others.

Thereupon Mr. Merriman made a suggestion that a telegraphic conversation with the Governor might do good. Mr. Molteno readily acceded to the suggestion, and a long conversation took place, in which Mr. Molteno urged the Governor to return to Cape Town, where the joint advice of the whole Cabinet would be at his service, in order to properly deal with the settlement of Galekaland.

The Governor said that he could not leave the frontier while the state of affairs was so unsettled, and that Mr. Molteno should trust those who were on the spot to do their best, and so avoid further difficulties and enable the Governor to return to the seat of the Government. Mr. Molteno replied :

I hardly think, upon consideration, your Excellency will find we are chargeable with any unnecessary delay down here—it is only the day before yesterday that we have received the memorandum from one of our colleagues on this most important subject. I will at once state, to save time, what occurs to me on the spur of the moment in reply to some of the remarks of your Excellency. In the first place I see no difficulty in dealing with Mapassa's people temporarily in the manner discussed when I was at King William's Town, nor do I see any reason why those Galekas who surrender unconditionally should not be allowed to return to such portion of the country as they formerly possessed, as may be decided upon and upon such conditions as, I think, there will be no objection to your Excellency imposing.

¹ The remark in regard to the assembling of Parliament referred to Mr. Merriman's statement that a refusal to agree to the Governor's proposition would mean the immediate assembling of Parliament in the Eastern Province.

It is really with the introduction of new elements into the country that the difficulty arises. Mr. Merriman's memorandum gives no idea of the conditions upon which grants could be made to Europeans either of occupation or in any other respects. It confines the Europeans to whom land is to be granted to Germans and possibly Scotch, for which limitation I see no reason. I do not see any necessity for such a movement to be so closely identified with nationalities; would not Colonists be equally available?¹ If any such plan be adopted it is estimated that there would be 10,000 Galeka families, and supposing that the 332 European families were to be located in that country, I consider so small a proportion of Europeans would be in a very dangerous position, and as nothing is said as to how the country is to be held from a military point of view, how are these people to be supported and properly protected? I should hesitate to undertake the responsibility of placing them in such a position. Are these people to be drawn from the Colony, or is it proposed to introduce any of them from abroad? If so, how are the funds to be provided? At first sight it seems a scheme for granting away the whole of the land not required for the Galekas and providing for free passages for those who are to receive the grants.

Nothing is said as to the kind of government, especially with regard to Europeans. Is it proposed to annex the territory to this Colony, and if so in what manner? The condition would be very different from either Tembuland or Basutoland. Is it proposed to assist grantees in any manner with regard to erection of buildings, purchase of implements, subsistence pending raising of crops, or is land only to be granted to persons possessing a certain amount of capital either in stock, money, or otherwise? Your Excellency will, I hope, excuse my pointing out very hurriedly a few of the points which I think would require careful consideration before taking any steps to carry out a scheme of this kind, the responsibility for which must devolve upon your Excellency's advisers, and fully impressed with the weight of such responsibility, I think ample time should be allowed for discussion and consideration. I should be glad *if your Excellency is able to inform me whether the question of following up the Galekas across the Bashee and to what extent has received your Excellency's consideration*, and as to what Colonial force you would deem sufficient to hold possession of the Galeka country, at any rate for the present.

¹ As in 1869, when the then Government proposed to settle the Northern border with Bastards, Mr. Molteno objected to colonists being excluded, and carried his objection in Parliament, so now he showed his sound statesmanlike views by objecting to these narrow restrictions.

To this the Governor replied that he would take the responsibility with the Imperial Government with regard to the plan and the annexation of Galekaland¹; that he could not send back Mapassa or the other Galekas till the point of European immigration was settled. He said he would not be unwilling to extend the settlement to other Colonists, and finally he appealed to Mr. Molteno to give them the power to settle matters by allowing them on the spot to do their best, and thus pave the way for his return to Cape Town. As to the Fingoes, he had no doubt as to their loyalty at present, but he saw signs that they might regard themselves as specially favoured by the Government. Mr. Molteno answered that he would fully consider all that had been said, and would do all he could to facilitate the Governor's speedy return to Cape Town.

Thereupon, after consideration by the Cabinet, and subject to certain restrictions and modifications in the scheme as originally suggested, the proposal of the Governor was agreed to in a minute, while at the same time Mr. Molteno telegraphed to Mr. Merriman :—

Referring to our conversation of the 7th instant, subsequent telegrams from yourself and Brownlee, and conversation with the Governor on Saturday; considering the great difficulty of carrying on discussions by telegraph; the great necessity which both the Governor and yourself think exists for immediate action; the strong opinion which you both express, and in which Brownlee seems to concur, that the immediate return of the Governor and yourself to the seat of Government would probably be attended with danger and panic; taking also into consideration the very important fact that what is proposed to be done meets the full approval of the Governor as High Commissioner, although regretting the impossibility of being all together, and thus deriving the benefit of a fuller and more extensive discussion of the very important question involved before arriving at a decision, we hesitate to address the proposed minute to his Excellency the Governor, as already telegraphed to you, and trusting that we shall receive from you full particulars upon the various points of

¹ But he was presuming upon his influence with the Imperial Government, who refused to permit this annexation until Sir Bartle Frere had left the Cape.

details which in my conversation with his Excellency I mentioned your memorandum seemed to be wanting, and that in as far as possible no further steps will be taken without first affording your colleagues an opportunity of expressing their opinion upon them other than those which may be absolutely necessary to enable you to at once proceed with the settlement of the Galeka country in the manner proposed, we do not feel justified in delaying our assent generally to the scheme, and request that you will, Mr. Brownlee concurring, communicate with his Excellency the Governor to that effect.

The time selected for the introduction of the scheme was ill chosen—it was not Mr. Molteno's suggestion. The details as first suggested were impracticable, and the whole matter was one which should have been dealt with only by Parliament. The country was quite unfit to be settled in this way. Kreli's power had been broken, but Galekaland required guarding, and Mr. Molteno, as we see above, suggested to the Governor the necessity for immediate attention to this point. The subsequent return of the Galekas and the attack by them on the volunteers immediately killed the plan, and showed how right was Mr. Molteno in his fears as to its crudity, and also the danger to Europeans had they been placed in Galekaland as proposed.

We have entered into the subject in order to make it clear that the Governor was determined to use all his power as dictator, and was ready to push matters to a crisis with his Ministers if they did not agree to his wishes. It served to show Mr. Molteno's forbearance and his desire to work with the Governor if at all possible. He pre-eminently feared a political crisis at a moment when the Colony was involved in war, and on this ground he went further than he otherwise would have considered himself justified in doing, in the direction of subordinating his views to those of the Governor. The incident also serves to bring out the soundness of Mr. Molteno's informed opinions when compared with the want of knowledge of the High Commissioner.

Sir Bartle Frere was now much exercised and occupied as to the 'organisation' of the Frontier Armed and Mounted Police. He was naturally horrified when he found the apparent state of insecurity in which the Colonists on the frontier lived daily. Coming as he did from India, where a highly organised and numerous army was at the call of the Governors of the Presidencies and the Governor-General, and where an army corps could be hurled at short notice on any recalcitrant prince, it shocked him terribly to find only the 'Police,' badly organised, as he said, and backed by nothing better than volunteers and burghers, who came forward of their own accord without compulsion, and who could only hold the field for a short time.

Aggressive purposes, such as he had in view on Pondoland and elsewhere, could not be carried out with such forces. Yet this was the normal and necessary condition of the Cape frontier. It was not as dangerous as it seemed to a new comer. The effective character of operations carried on by burghers and volunteers was well known to the natives. Their mode of fighting startled the world a few years later at Laing's Nek, Ingogo, and Majuba, where the marvellous results of the extreme mobility, the accuracy of fire, the readiness to take advantage of the nature of the ground were exhibited, while the individual soldier was no mere unit in a crowd, but an intelligent and effective element of a force which combined the advantages of cavalry in mobility and of infantry for all other purposes.

The prompt and energetic handling of these forces was quite sufficient to keep the natives in check and to subdue them should they unwisely attempt to try their strength with the Government. The recent operations in Galeka-land itself showed how effective their action could be, while the subsequent operations which involved months of campaigning when the Imperial troops took over the

operations in that country contrasted very unfavourably, and showed the greater aptitude of Colonial forces in dealing with native risings.

Sir Bartle Frere constantly talks of the necessity for a standing army in his despatches ; indeed, his model was the German one. Shortly before this outbreak he said to the people of East London, in dealing with the question of defence :—

I think it would only be in time of peril that the Englishman's spirit would be stirred sufficiently, but we should all be prepared at any time to meet what is to come. I would rather be always prepared for the worst on the model of our German friends.

And to Lord Carnarvon he apologised for the necessity of making use of such irregular forces as volunteers and burghers :—

It was also necessary to explain why we have been compelled in our measures of self-defence to rely so largely on the voluntary efforts of our own people, and on improvised and amateur bodies of military and police, which however creditable to the spirit of the people, are attended with inconveniences and dangers incident to the want of legal authority and organisation.¹

While writing later, he says :—

If the native portion of this province is to be protected and advanced in civilisation, it is absolutely requisite that the European population should themselves feel secure, and they will not consider themselves, nor should I consider them, to be so without some force of professional soldiers for other forces to form and fall back upon. The regular force may be very small, but it should be complete in all arms and under regular command, not liable to be disorganised or misapplied by the interference of amateur soldiers.²

It will be admitted at once that the security to be obtained from such a force would be most desirable. It was,

¹ *C. P.*, A. 7—'78, p. 37.

² *Ibid.* p. 50.

however, quite impossible for the Cape Colony, with its limited resources and its limited population, to maintain a body of this character. And it was very doubtful whether it was not due to this so-called 'organisation' that the Imperial forces were so unfitted for South African warfare; as in the war of 1846, so now, the complaint of the military officers always was the disorganisation of the Colonial troops and the danger of the movements they attempted, but the strange fact was that these latter were always successful, while the military movements were frequently very much the reverse.

We have already pointed out that Mr. Molteno agreed in and was carrying out the policy of Sir George Grey, in strengthening the material resources of the country and thus increasing the white population of the Cape Colony. At the same time great defensive power was being attained by the new lines of railways, which had an important strategic bearing upon the defence of the country, but it was impossible for the Colony to maintain a larger standing force than the Frontier Armed and Mounted Police. It is true Sir Bartle Frere directed Mr. Sprigg to bring in certain measures for creating 'organised' forces on the lines indicated by him, but the effort failed, and was only an ephemeral one—the money might as well have been thrown into Table Bay. Gradually the corps which were then formed were disbanded, and in 1895 the sole organised defensive force of the Cape Colony contained fewer men than the numbers of the Frontier Armed and Mounted Police authorised in 1877, notwithstanding the extension of Cape jurisdiction to far larger masses of natives than were subject to its jurisdiction in that year.

The counsel was then a counsel of perfection for the Cape Colony. Its resources were limited. Mr. Molteno knew this well, and impressed it upon the Governor, who for a time agreed with him in this. Mr. Molteno's objection to

excessive expenditure on armaments was the same as that of Sir Robert Peel and of Mr. Cobden. He opposed excessive expenditure on preparations for war which consumed the resources required for the development of the Colony just as Sir Robert Peel opposed it, for it consumed the resources required for the improvement of the temporal condition of the people. Sir Robert Peel had shown that it was impossible to secure a country against all risks. 'If in time of peace you insist on having all the garrisons up to the standard of complete efficiency, and if every fortification is to be kept in a state of perfect repair, then no amount of annual expenditure can ever be sufficient,' and the country would be overwhelmed with taxation in the attempt to accomplish this. It is inevitable that risks must be run. This language of Sir Robert Peel is the language of common sense, and applies with even greater force to the conditions of a comparatively poor and sparsely populated country such as the Cape Colony, where every penny that could be spared was needed for the development of the resources of the country.

Considerable blame was laid upon Mr. Molteno for not having larger defensive forces organised, but Sir Bartle Frere himself absolves the Ministry from any blame in this respect. Speaking at King William's Town on the 9th of September, he said that the question of defence was no party matter, and that all should unite upon the subject :—

I can only therefore assure you of the warm support you will find in your western brethren. It is not only the Ministers, who, as men of sound political judgment, may be expected to take a more extended view of the interests of the country than anyone else, but let me assure you that there is no indifference whatever in the west, in those men who have made the west what it is, to your interests.

And to Lord Carnarvon himself he points out that the Ministry had gone even beyond the feeling of the community on this subject. He says :—

The blame of the absence of any adequate legal provision for defence or for the protection of life and property can hardly be charged against the present Government, for I find that they last year brought in a Volunteer Bill, which was quite capable of being made an excellent measure, but it was successfully opposed and dropped for the session. A like fate attended the Bill for frontier defence brought in this year by the Ministry.

It may be hoped that after the experience of this year the Government will be better supported by the patriotism and intelligence of the country in their efforts to frame useful measures for the protection of life and property.

I have entered into these particulars not in any spirit of idle criticism, but in justice to the gentlemen who, in spite of innumerable difficulties and with most inadequate means, will, I trust, soon be able to restore peace to the country.¹

¹ *C. P., A. 7—'78, p. 87.*

CHAPTER XXVI

THE GALEKA AND GAIKA WAR. 1877

Panic on escape of Mackinnon—Gaika Outbreak—Necessity for use of Native Allies—Imperial Troops used by Governor—Raises Forces in opposition to Ministers—Refuses to return to Cape Town—Chaos of Government business—General's inactivity—Allows Khiva to escape.

SIR BARTLE FRERE was now pre-occupied with schemes for reorganisation of the Frontier Armed and Mounted Police, and he addressed an elaborate minute to the Ministers upon its condition. This was no doubt extremely valuable, but there were far more pressing matters to be dealt with, and Mr. Molteno reminded him that the question of the occupation of Galekaland was of the first importance. But Sir Bartle Frere preferred to take his own way, and he tells Lord Carnarvon that this reorganisation was a work of the most urgent necessity, and took 'precedence of any permanent arrangements for stationing the police in the Transkei' or for organising an effective police force to prevent stock-stealing in the Colony.¹ Galekaland being left unoccupied, it was only natural that the Galekas should return, and they reappeared in very large numbers, with most serious results.

In the meantime a panic arose on the frontier owing to the escape of Mackinnon into the Gaika location. Mapassa and Mackinnon were two sub-chiefs of the Galeka tribe. They professed on the outbreak of hostilities to be desirous of taking the Government side in the quarrel. In order to leave Commandant Griffith perfectly free they had been allowed to remove to the western side of the Kei with their cattle and

¹ C. P., A. 7—'78, p. 108.

their arms. Mr. Molteno had on several occasions urged the Governor to allow them to be replaced in Galekaland, but the Governor in the first place deferred the matter for his German settlement plan, and subsequently, in pursuance of the policy of universal disarmament which he was shortly to announce, he desired them to be first disarmed. They were quite inoffensive and quiet. Captain Brabant, who was near them at the time, says:—

I never had any difficulty with them—they were perfectly obedient, and carried out readily all orders I gave. A short time after this a detachment of the 24th regiment was sent to Impetu. There had previously been a small detachment under a subaltern, and they got on very well, but presently a captain was sent down. He said he had been sent as it was thought that no Colonial officer was to be trusted by himself, thus showing the sort of spirit that prevailed between the Imperial and the Colonial forces. The former looked upon a Colonial officer as absolutely unfitted to have the smallest charge of any kind. Things went on thus, and then Colonel Glyn came down to inspect the post. He spoke to him (Captain Brabant) about the natives remaining armed, and asked for an opinion on the matter, as he thought it was very dangerous. He told him he did not think there was any danger, but Colonel Glyn was not satisfied with what he said, and strongly represented the facts to the Governor. The result was that while he was away inspecting the volunteer posts down the river the order came for these men to be at once disarmed. There was no alternative but to obey, but he wanted to telegraph to Mr. Brownlee that he thought the step a very dangerous one. He urged Mr. Brownlee to use all his influence against the disarmament, pointing out that it was quite unnecessary, and that he thought it would be very dangerous.¹

The disarmament of Mackinnon was carried out in a very unfortunate manner. Instead of being done immediately the necessary force was assembled, some days elapsed after the matter was known before the order was carried out. The natives took fright and bolted to the Gaika location. This took place about the 20th of November, 1877. Mr. Molteno was not kept informed of what was being

¹ Speech of Colonel Brabant, supplement to *Argus*, 6th June, 1878.

done, for telegraphing on the 21st to Mr. Merriman, he says:—

It was not until receipt last night of your telegram to Mills, in answer to one from him asking for information, that I was put in the position that private individuals had been in for many hours previously. Whatever may happen, pray give directions to someone to let us know what really is going on, good or bad. With every confidence in his Excellency and yourself, I think there is danger of a too high-handed and unnecessarily harsh policy being adopted with the native population generally which we have not the power of carrying out. However desirable, as you say, it may be to seize the golden opportunity of licking Gaikas and Fingoes into shape, and acting independently of the natural feeling of enmity naturally existing between large masses of barbarous people, I question whether the time has yet arrived for disregarding so important an element. It is all very well for frontier men to talk in this strain, but Government action is quite a different thing. Even the instructions issued by you for the disarming of Mapassa's at present terror-stricken men savours far too much of the conqueror to my idea of things, and recollect how many advantages have often been lost by unnecessarily driving masses of men to actual desperation. I wish you would be good enough to let the Governor see this telegram, for I wish him to know my views.

Mr. Molteno's anxiety was very great and his position a most trying one. This telegram was written at 5 A.M.; indeed, many telegrams during this crisis were written during the early hours of the morning. It was summer, the weather being very hot, and the writer remembers being roused before five o'clock, and proceeding with his father out of doors into the cold morning air under the great oaks of Claremont House, and there writing down the various telegrams and instructions in regard to the crisis.

The Gaika location into which Mackinnon had escaped is a district about fifty miles long by about twenty-five miles in greatest depth between the Kei and the skirts of the Amatola Mountains. It had been assigned to the Gaikas who followed the chiefs Sandilli and Anta. A large popu-

lation of Gaikas, with a little admixture of other tribes, had settled there, and were generally regarded by the neighbours on all sides with much distrust, as owing to a number of causes less had been effected in civilising them than in other districts.

The Governor had but little appreciation of native character. According to him the natives were to be ruled justly but firmly, and his idea was to begin by disarming them, as in the case of Mapassa and Mackinnon, but he seemed unable to appreciate what this involved. The Cape Colony had not the resources to carry out a policy of this nature, while England was weary of Kaffir wars, and had definitely abandoned the attempt to rule the natives. The subsequent war which arose on Sir Bartle Frere's attempt, through Sir Gordon Sprigg, to disarm the natives, showed that they were ready to fight for their weapons, and no step was more likely to cause desperate resistance. Was England prepared to reverse her policy of withdrawing the troops and allowing the Colonists to defend themselves with their own resources?

Lord Carnarvon, as appears from his despatches, had certainly not given his consent to this course. But Sir Bartle Frere had forced the hands of his superiors in India, and he meant to do so here. He found on his arrival that the native question was the question, the responsibility of which, in the case of Natal, he could find no Cape statesman to undertake. To accomplish his scheme of Confederation he meant to crush the Zulu power, which was the constant bugbear when confederation with Natal was talked of. Although Lord Carnarvon had never wavered in his instructions as to the withdrawal of the Imperial troops except in so far as they were necessary for strictly Imperial purposes, Sir Bartle Frere now told the people of the Eastern Province as soon as he came among them,

that as to the matter of defence he could not agree that her Majesty's troops should be removed from the Colony on the principle that you throw a dog into the water to teach him to swim. With his present convictions such a policy would be *insane*, and he would go further and say that any man living in this province was as much entitled to the protection of her Majesty's troops as a dweller in the county of Middlesex. He looked upon the troops as the backbone of any scheme of Colonial defence.¹

This was remarkable language for a High Commissioner to use, looking to the constant tenor of all despatches since the Committee on Colonial Defence had reported on the necessity for reducing the Colonial garrisons. Lord Carnarvon had been stronger, as we have seen, than any previous Secretary of State on this point. The word 'insane' was a strong expression to use in connection with Lord Carnarvon's policy. But we shall find Sir Bartle Frere employing it again in connection with the responsible advice tendered him by Mr. Molteno. He had the bit now in his teeth, and meant to have his own way. He had declared Kreli's country forfeited, and had guaranteed its annexation to the Cape Colony. Lord Carnarvon mildly says: 'Her Majesty's Government were not prepared for the annexation of this territory, but rely on your judgment.' It was not, however, annexed while Sir Bartle Frere was Governor.

It was clear that the policy of subduing and placing our foot upon the necks of all independent or semi-independent native chiefs was one which would necessitate the use of Imperial troops in considerable numbers. But the Colony had been told that it was not to rely upon Imperial troops in its native policy,² and that if any Imperial troops were employed for Colonial purposes the expenses must be borne by the Colony. The Colony had definitely informed the Imperial Government that it was unable to bear such ex-

¹ Speech at King William's Town, *Argus*, 11th September, 1877.

² Lord Kimberley to Sir H. Barkly, November 17th, 1870. *I.P.*, C—459, p. 66.

penses. Mr. Molteno was therefore not justified in undertaking to pay for the cost of Imperial troops, even if he were assured that Lord Carnarvon would agree to their use for such Colonial purposes. The Colony had to cut its coat according to its cloth, and Mr. Molteno was under a very strong sense of responsibility on this point.

To show the working of Sir Bartle Frere's mind upon the subject, he now addressed a letter to Mr. Merriman on the Gaika question, which had assumed a serious phase, owing to the escape of Mackinnon into the location, a fact of which he does not appear to appreciate the importance, for he says in this letter: 'As to Mackinnon Umhala having fled to the Gaikas, instead of going back to his old home in Kreli's country, I do not know why he should not live among the Gaikas, if Sandilli will be answerable for him'; while to Lord Carnarvon he writes, as a more or less surprised spectator:—

I had imperfectly realised the extent to which this recognition of a separate jurisdiction was carried when it was reported yesterday morning that Mackinnon Umhala had left the position assigned to him by Mr. Brownlee, and had made for the Gaika location. . . It is curious to note the instant panic which pervaded the whole of this town when this intelligence was brought in, grossly exaggerated in a variety of ways—'The Gaika war-cry had been sounded on all sides during the night; Mackinnon was making for the Amatolas; the Kaffirs were assembling on all sides and flocking to march on Komgha'—where reinforcements were applied for by the officer in command to enable him to keep open the road to King William's Town.¹

As to the necessity for Imperial troops, he says to Mr. Merriman:—

I entirely agree with you as to your estimate of their (the Gaikas') strength as a mere military question. I feel sure that by repeating the process followed against Kreli by summoning burghers and volunteers, and arming Fingoes, you can crush the Gaikas more completely, and slaughter more of them in a few weeks than in Kreli's case.

¹ C. P., A. 7—'78, p. 95.

And again :—

I agree with you as to the ease with which the Gaikas could be crushed, but you cannot do it by the same process or machinery as in Kreli's country. The Frontier Armed and Mounted Police are pretty well knocked up, and require rest as well as reorganisation. You may get fresh burghers and volunteers in troops, but you will have to proceed according to strict Colonial law, and to answer for all you do to Colonial tribunals.

After seeing the telegram to Mr. Merriman of the 21st of November above referred to, he wrote to Mr. Molteno on the 25th :—

Mr. Merriman showed me your telegram to him. I think I concur in every word of it, and I do most entirely in its general tendency, as you will have seen if he has sent you my letter to him which I wrote in answer to one from him on the subject of the Gaika power to harm us. I agree with him that we could speedily crush them, but I should regard such crushing as a greater misfortune and disgrace to us than almost anything that could befall us. They are our fellow-subjects and not our enemies, and our duty is to govern, protect and improve them, not to slay them. I think he now quite agrees with me in this view, but you know the pressure which the terror-stricken frontier people put on Government for 'strong measures,' as they call them, at such times, and how difficult it is for us to hold the balance of justice even.

But Sir Bartle Frere did not appreciate the consequences of his policy ; he did not realise that depriving the chiefs of their power, together with the disarmament of their followers, was regarded by them as a matter of life and death. He looked upon it merely as a question of governing them firmly and justly. However, in the same letter he says to Mr. Molteno that her Majesty's troops, being used to obey orders, are less likely than burghers or volunteers to bring about a collision. This was no doubt true, and we can appreciate the desire to have regular troops ; but it was what the Home Government, after their experience of Kaffir and Maori wars, had deliberately refused.

The question of the use of troops, instead of burghers and volunteers, was one on which Mr. Molteno could not agree. The Governor was for dispensing with the power of the chiefs at once; their assegais must be beaten into ploughshares, by force if not by persuasion. Mr. Molteno was for proceeding cautiously, having regard to the limited means at the disposal of the Colony, as well as to the dangers of sudden changes, which are always misunderstood and resented by native tribes.

The Governor desired to use Imperial troops, over whom he had unhampered control, and who were likewise under stricter discipline. He did not desire burghers and volunteers, whose services were voluntary, and in the disposition of whom he was bound to consult his constitutional advisers,¹ and who were unsuited for the aggressive action he contemplated. Mr. Molteno was for immediate, sharp, and decisive action, as soon as the necessity arose for the use of force. For this purpose the volunteers and burghers were much superior to Imperial troops, who must necessarily move with all arms, cavalry, artillery, and infantry, a large commissariat and other impedimenta. The burghers and volunteers were not able to keep the field for long, and for this reason also a protracted campaign was above all things to be avoided.² This divergence of opinion was soon brought into prominence by the next episode in the war.

The disastrous results anticipated from the flight of Mackinnon into the Gaika location did not take place; but the difficulties of the situation were now enormously increased by the return of the Galekas into Galekaland, as was evidenced by an unexpected attack upon a patrol of volunteers,

¹ See his despatch to Lord Carnarvon, where he tells Mr. Molteno he wants volunteers who will consent to be under military control. See p. 295 note, *infra*.

² Colonial troops cannot keep the field for long. Compare with this the same difficulty in the American War, where the Colonial troops insisted on going home, even in presence of the enemy. See Lecky, *England in the Eighteenth Century*, vol. iv. p. 232.

which resulted in the action known as the battle of Umzitani. News of a Tambookie inraid into Fingoland, near Saint Mark's, in the direction of Queen's Town, was received almost simultaneously. Mr. Molteno's fears as to Galekaland had been realised. While the Governor and Mr. Merriman were talking of a militia to defend the proposed white settlement, and the reorganisation of the Frontier Armed Mounted Police, the Galekas had returned. Mr. Molteno at once realised the critical character of the situation.

Sir Bartle Frere's views had been placed before him in his letter of the 25th of November, but Mr. Molteno felt that immediate action was necessary. He urged the immediate despatch of Fingoes into Galekaland to hold the country temporarily, and to prevent the disorganised Galekas rallying in numbers :—

With every desire to support you in every way, I look upon it as simply impossible to carry out your suggestions about a militia. Sanction of Parliament would appear to be indispensable, and it could not aid you immediately if it were otherwise, and it is immediate force you want. More volunteers could be had without denuding frontier districts, but not in sufficient numbers, and with more difficulty than would attend enrolling and making use of Fingoes, who could be at once sent into Transkeian territory ; and, if fighting is to take place, let it be there rather than in the Colony. I feel convinced that we must sooner or later come to this. Galekaland must be held by some sort of occupation or other, and your European scheme, whatever may be said in its favour as an ultimate result, does not meet the immediate necessities of the case. If Galekaland be not occupied at once Galekas will return, and, finding nobody to contest, it will be more difficult than ever to deal with them. They are evidently not yet subjugated.¹

Immediately on receiving the news of the brushes with the Galekas, Mr. Molteno telegraphed to the Governor on the 5th of December, pointing out the various considerations which rendered the immediate occupation of Galekaland by the

¹ Telegram, Mr. Molteno to Mr. Merriman, December 5th, 1877.

Fingoes imperative. The scheme for European occupation was one which did not meet the immediate necessities of the case, owing to the lapse of time in carrying it out; moreover, it would necessitate a very costly force to protect the settlers. If a great Power were to determine upon this course, it might succeed in time; but the Colony, with its limited revenue and small white population, could not endure the strain. The natives must be used, and especially the Fingoes, on whose account the war was originally undertaken. If this were not done, then a war of races was almost inevitable, a forecast which was only too soon verified. Mr. Molteno concluded by impressing with all the weight he could command the strong sense of duty under which he urged the vital importance of these views. They were embodied in the following memorandum:—

The recent attack on our patrol by so large a body of Galekas seems to indicate that our operations against them have not resulted in such a complete subjugation as we had hoped. This, taken in connection with the state of feelings in the Colony and among the Gaikas, points to the necessity which exists for not reducing the forces actually in the field, but rather to the advisability of increasing them; and, at the same time, not doing so in any manner tending to reduce our strength in the frontier districts, or such parts as the existence of the large masses of the natives renders the utmost precaution necessary. The Attorney-General is in favour of making use of the present Burgher Force Act; but this process is, I am afraid, too slow, and would, I fear, tend to keep up excitement, while not really giving us any immediate accession of strength; but the question is still under discussion. Meantime we are very seriously impressed with the dangers and difficulties likely to arise from delayed actual occupation of such portion of Galekaland as it is not intended should revert to the Galekas.

Without re-opening a discussion on the subject of European occupation in the manner already determined on, its undoubted weak points, as affecting our position at the moment, cannot be prudently overlooked, and must be provided against. First, much time is needed for its development, during which a strong force of some sort is absolutely necessary, for the settlers cannot be

expected to act in that respect for a long time to come, and during which time they must have protection, and provision must also be made for the insensating effect upon the minds of the Gaiikas, *secretly* if not openly in sympathy with the Gaiikas. I do not say that if a great Power should determine upon such a course of action, and be prepared to find the necessary force, and bear the, I fear, inevitable cost, the result might not in time prove satisfactory; but the resources of this Colony, and strain upon its comparatively limited European population, would, in my opinion, be too great. The grand Imperial idea of standing aloof and holding the scales of justice evenly between, not only white and black, but the different races of black, I respect, but doubt the possibility, at any rate at present, of carrying it out.

We must in some way or other make use of the native element, not necessarily to pit one race against the other for the purpose of compassing its destruction; but in no other way do I at present see how we can protect ourselves, or promote their true interests and civilisation. We have at present large masses of Fingoes and other natives loyal to us, and, on the other side, large masses to the contrary; and no matter what the feeling of those at present loyal to us may hereafter become, such considerations cannot guide the present, but must be foreseen, and, by wise measures on our part, guarded against in the future. We must let those natives who are loyal to us know that we consider them so, treat them accordingly; and if our doing so arouses the enmity of the disloyal it is no fault of ours, and we must protect them and aid them in those efforts which, under our guidance, they must put forth in order to maintain the enviable position which they have been necessarily placed in. If fighting there must be, they must take part in the fight, and we must lead, direct, and aid them.

I think it absolutely necessary at the present crisis, and before the Colony is possibly plunged into a civil war, or a war of races, that I should put your Excellency in possession of the views entertained by myself and colleagues here before it is too late, and I feel perfectly sure that your Excellency will give me credit in so doing, for nothing less than a fulfilment, to the best of my ability, of the duty I owe to the country which has placed me in the position I am in, and the most sincere desire, at no matter what cost to myself, to aid and assist your Excellency in your present arduous and difficult position.¹

The Governor suggested the immediate despatch of the remaining portion of the 88th regiment, the notion of landing

¹ C. P., A. 24—78, p. 8.

at Mazeppa Bay, or the Kei mouth, was revived, and Mr. Molteno was requested to make the necessary arrangements with the commodore. These he immediately carried out; the *Active* and *Florence* embarked about 350 men and sailed eastwards. Mr. Molteno telegraphed to Mr. Merriman on the 6th of December :—

. . . establishing ourselves on the coast which, now that we have taken the country, would be sure to follow sooner or later, is most important, and will enable us to throw in rapidly both men and supplies to any extent, while not weakening us on the frontier, and will, I hope, more than compensate for the at present impracticable militia scheme you appear to have set your heart on so much. You can, however, temporarily utilise the men you had in view for this purpose as volunteers or police, for use on the immediate frontier.

At the same time, Mr. Molteno, in reply to a telegram from the Governor, urging him to permit Mr. Merriman a freer hand, wrote :—

As to what your Excellency says about allowing Merriman to try his plans for Militia District Police (preventive and detective). it has all along been my desire, taking into consideration the extraordinary and difficult position in which he has been placed, to give him the fullest possible latitude and support, stopping short only of sanctioning engagements, and the initiation of plans, which not only stretch beyond the exigencies of the moment and entail permanent, as distinguished from temporary, changes and burdens upon the Colony, without consent of Parliament, but which obviously could not be effectively worked in the absence of legislation.

On the previous day Mr. Molteno had pointed out to the Governor the difficulty of arriving at a decision in regard to constitutional changes, and said that a visit to King William's Town might be desirable if he could get away. Instead of sending in the Fingoes and Colonial reinforcements to Commandant Griffith in answer to his request, it was decided on the frontier, without Mr. Molteno's concurrence, to send Imperial troops and place the Transkei portion of the police

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under the General. The difficulties of keeping the control of the police there against the Governor's wishes has already been alluded to, owing to his being High Commissioner over the Transkei.

The Imperial authorities took control of operations on the 7th of December. On the 14th Colonel Glyn arrived at Ibeka with a detachment of the 24th, and took command. A forward move was urged on them by Mr. Merriman, but it was not until the 26th that the General felt able to move. At this delay the Governor expressed his disapproval.¹ In the meantime, a Galeka chief, Khiva, had on the 22nd of December, while the troops were hesitating, crossed the Kei, and passed into the Gaika location. This was most unfortunate, and led to an immediate increase of the excitement.²

But how had the Imperial troops come to be used? Mr. Merriman had promised Mr. Molteno that he should be fully consulted, and the terms arranged in writing upon which the Imperial troops were to be used, if at any time the suggestion were made; but, without any intimation, when Mackinnon was disarmed Mr. Merriman had assented to the troops supporting the police, and we have already seen Captain Brabant's account of the evils resulting from their interference. He now again acted in concert with the Governor, and ignored Mr. Molteno, who telegraphed to him on the 13th of December:—

Your telegram of this morning received, which, taken in connection with one on the same subject from his Excellency, places matters in such a position as to, in my opinion, render it useless urging any further objection to the arrangements you propose. But I trust you will not fail to bear in mind the immense responsibilities we are taking upon ourselves, and the necessity for our being fully prepared to justify the same. You have all along said, 'Only give your full confidence to us who are acting

¹ *C. P.*, A. 24—'78, p. 26.

² Despatch of the 9th January to Lord Carnarvon.

on the frontier, and rest assured all will come right.' May your prophecy be fulfilled. With the scanty information you furnish, and the little we are able to glean from other sources down here as to the position of affairs, the feeling of helplessness to effectually aid and assist you, even in council, becomes every day more painful; nor am I sure that a too ready acquiescence on my part in all your proposals and arrangements, many of them conceived, pressed on, and carried out with a rapidity absolutely precluding anything like full and fair consideration, will in the end bear such fruit as you anticipate. How does the appointment of a second in command of the Police answer your expectations? Please show his Excellency this telegram, as it in effect replies to his of this morning.

Mr. Molteno now foresaw, as on the previous occasion of the operations in Galekaland, that there was a fatal hesitation and paralysis at the front. In this case, owing to the Imperial troops being engaged, it was even more apparent. There was again a desire to mass large forces, and not to use small ones vigorously; and that notwithstanding the fact that the Galekas had been thoroughly beaten only so recently. All the previous anxiety returned in even greater force, with the additional apprehension of a Gaika rising if hostilities were prolonged. The Governor had not appreciated the situation before. Now he appeared to be in a panic. Mr. Molteno telegraphs to Mr. Merriman on the 14th of December:—

Your telegram received late last night. It is not news or even facts alone I want, but I will enumerate points upon which information would be most acceptable. Your general view of the situation is, I dare say, pretty correct. Speaking of the police you say the whole force has fallen to pieces. Granted this in a certain sense, but you have 600 or 700 or more Europeans in that force no worse than the men you are trying to get together on the frontier—are they, their horses, arms and guns to be made no use of whatever? Would 150 under Chalmers, and the remainder divided into similar numbers and placed under the best officers in the force, be of no use in acting against the Galekas? Give up the idea of massing large numbers at any one point under Griffith or any other officer—he can safely do all that is necessary

as to general control at a distance. Are the Fingoes under the best officers you can get to be made use of? Where is Major Elliott? Are his hands to be tightly tied and no use made of his Tembus? What is doing by Blythe at Kokst adt? (Not one word of information on this point yet.) Is any attempt to be made to strengthen our position in Moni's country? or do you propose to virtually abandon by the Colonial Government the further direction of operations, leaving everything to the management of military officers, and her Majesty's troops, because it appears to me that if you have not already done so the step you yesterday so strongly urged is a near approach to it.

I still think it would be better to continue the policy we commenced with as to part to be taken by military and Colonial forces respectively, and by no means agree in the gloomy view of affairs taken by his Excellency, and, I fear, shared in by you; but if things have come to this in your minds, let me ask of what use is the presence any longer on the frontier of the Governor and yourself? Having once handed over to the War Department of her Majesty's Government, anything beyond giving a general direction as to the maintenance of public order in the Colony and scope of operations beyond is out of the question, and this would be as well done, or perhaps better, after consultation between his Excellency and his Ministers at the seat of government, free from the disturbing effects of panic, useless public meetings, &c., on the frontier. I notice that the Governor and General were at East London. I am sorry you were not there also, for I am apprehensive of a repetition of what occurred before, unless Colonial counsels could be brought to bear, notwithstanding all the efforts to make the landing a success.

I hope you will give me the fullest information with regard to any special orders given to the Commodore. If the troops and men of the *Active* are fortunately landed, for Heaven's sake let some use be made of them, which I feel convinced might be the case if joined by some of our police and native allies. But ominous rumours already reach us as to value of mere military demonstrations and the effect likely to be produced thereby on the native mind. I, however, disregard them and hope for the best. Would it not be as well if you were to give instructions to provide us down here with information as to what steps you are taking in regard to raising additional forces? We are in this respect worse off than any frontier Civil Commissioner. It is rumoured that an officer has even been selected for recruiting in Cape Town, while the Government here is left in ignorance.

To this Mr. Merriman replied by letter, under date the 15th of December, in which he says :—

There are some matters which I do not like to discuss by telegraph for obvious reasons, and any difference of opinion with the Governor is one of them. To go back a few days, when this news came of the action at Hollands Shop, undoubtedly things looked very serious—the country was already in a panic. The Governor had himself declared to a deputation ‘ that things were extremely critical,’ which simply worked matters up to fever heat. As you see from the comments of the press how thoroughly this dictum from his lips discredited all my efforts to keep matters quiet. The press was daily issuing telegrams calculated to bring on a conflict any moment—Griffith seemed to have given way ; and what force had we to look to ? What would have been our responsibility if we had stopped to settle the exact terms and conditions of the employment of the troops ? and yet we shall have to look the whole military question in the face, and the first step towards a satisfactory settlement will be getting rid of the troops. I am a more ardent advocate for that than ever. They are no use except to frighten the enemy at great cost, and so hedged round with restrictions that, as in our present state, we only employ them as a *dernier ressort*. As long as they remain there will be constant friction, and, in active operations, paralysis. Think matter over carefully.

But it was his own precipitate action, without consultation with his colleagues, that had led to their employment.

Mr. Molteno’s fears were realised. The Mazeppa Bay landing was abandoned, the Governor placing his veto on it.¹ And on the 15th he telegraphed to Mr. Merriman as follows :—

The return furnished on the 21st of September last as to strength of Mounted Police gives total of all ranks 1,115 men, and horses 884, now reduced by your account to 400, with tired horses. Are not the remainder of the men available as footmen in some way or the other ? I told you that from my own experience horses could not be maintained in efficiency if operations at all protracted, and that the main body of our forces would have, as in the case of all former Kaffir wars, to operate on foot, which, looking to the comparatively restricted area of our present opera-

¹ C. P., A. 24—’78, p. 12.

tions, would not be attended with so much difficulty. Her Majesty's troops cannot be mounted except to a very trifling extent, and yet it is proposed to work with them. If there is no massing of forces now even 250 Europeans in one spot might, I should imagine, be more beneficially made use of if divided and co-operating with native forces. Buying horses for volunteers I agree with you in not advocating—we must do things less expensively.

It appears to me monstrous, taking the most exaggerated view of the Galeka power, to believe that such a force of Europeans as we have in the field aided by natives in the numbers we could command, should not be able to hold their own in that country, leaving the military to do the very useful work of maintaining posts in the Colony, and aiding in putting down any disaffection which might unfortunately arise with natives within the Colonial boundary. I never was sanguine enough to believe what seemed so easy to you when I was on the frontier—viz. conquering Galekaland, capturing Kreli, resettling the country, and finishing the job in the hand-over-hand fashion you imagined; but on the other hand I am not now inclined to take a desponding view of affairs, and suppose that nothing can be done without a force numerically so much beyond what we had to begin with. I am sorry to find that confidence in Griffith has been so much diminished, but surely some of our police officers and frontiersmen could be entrusted with smaller commands in the manner I have suggested in the country of an enemy of such a character as the disorganised Galekas.

What was at first, perhaps, to some extent underestimated, now appears to me immensely overestimated, but if it should still be thought necessary to have more men in the field, I was contemplating, in the event of a landing being effected on the coast, sending levies from this end of the Colony, which with a little effort could be raised to a considerable extent, but I feel it is of but little use going on further in this strain. I cannot advocate my views by telegram, the post is too tardy, and without this, all I can say stands a chance of being brushed aside. I think you will admit that you have had your own way up to this, and if I saw any feasible plan now coming forward, I should be disposed to continue in the same course. Having, however, given all that has been advanced on your side the fullest consideration, I have arrived at the conclusion that the time has now fully arrived when the Governor must be advised to return to the seat of Government with as little delay as possible. I would go to the Governor myself, but this would not answer

the same purpose for many and weighty reasons which I cannot now go into. You and Brownlee could not come down until after the Governor had reached this, and the whole position of affairs had been fully considered with him. I wish you would be good enough to show the Governor this telegram, as I shall not be able to communicate with him directly before Monday.

A minute was now decided on by the Cabinet in Cape Town advising the Governor's immediate return to the seat of Government. It set forth the division of the Cabinet which precluded the possibility of any consideration by the members of it collectively as to the advice which they might consider it needful to tender to the Governor in the present emergency, 'thus virtually preventing the Government of the Colony being carried on in a constitutional manner.' Admitting that for a time his Excellency's presence on the frontier had been advantageous, yet Ministers expressed their opinion that any further prolongation of his absence from the seat of Government would tend to lead the Colony into serious difficulties greatly detrimental to its permanent interests, and urged his immediate return to Cape Town.

Several things happened now which gave Mr. Molteno just cause for resentment, and enforced the view that the Government was being carried on in an unconstitutional manner. The Governor began to act with the General quite independently of the Colonial Government. He authorised without any consultation or consent—indeed in opposition to the efforts—of the Colonial Government the enlisting and enrolment of two military bodies entitled 'Carrington's Horse,' and 'Pulleine's Rangers.'¹ At Cape

¹ Four years afterwards the official account of the Governor's action at this time is supplied by the then Premier's minute of the 31st of January, 1882. The Imperial Government did not challenge his version, and admitted the right of the Colony to refuse payment of the cost of these forces:—

'(8) Early in December, 1877, Sir Bartle Frere pressed upon his Ministers the urgent necessity of providing some police force for the protection of the frontier districts, then in a great state of alarm and uneasiness, and in consequence they issued a notice calling for men willing to undertake such duties. On the same day that this notice appeared, without the knowledge and sanction

their hands, and thus unnecessarily endanger their lives and property.

This was followed immediately by a telegraphic conversation on the same day. Mr. Merriman in answer says :—

You must also recollect that nothing kept the people here from most mad panic but the movement of the troops. I do not think they are so much in love with military movements now, and our management will contrast most favourably in every respect. It is a fortnight now, and they ought to have been perfectly prepared. Just contrast what we managed to do in the first fortnight with all our preparations to get together. I confirm in every respect my private letter to you about the General.

Mr. Molteno replied :—

You have advanced nothing new now, or which has not been mentioned in my late telegrams ; and the action lately taken is clearly in opposition to what you have advanced in telegrams and letter. The civil Government will soon be in confusion, and the only remedy which I can see is the one proposed this morning. Nobody down here can understand the state of affairs. Mr. Southey has just called at the Colonial Office to ask insertion in the Government Gazette of some notice about volunteers. The Government, in fact, is completely passed by and ignored. Notices issued to civil commissioners and others without the slightest reference to the Government. I cannot understand the proceedings of the General and his officers in this respect, and shall hope that you have not in any way lent your countenance to these irregular if not absolutely illegal proceedings. To carry out such a system effectually, a proclamation of martial law would seem to be the only course. I must press on you an early reply on the proposed minute to the Governor.

In reply to this Mr. Merriman said :—

Pulleine's Rangers and Carrington's force are raised by Imperial officers under Imperial regulations ; paid, at any rate for the present, by Imperial funds. They have not consulted me, and I do not wish to interfere, as the great question will come, whether we have to return the money or not, or what part of it.

Mr. Molteno answered :—

Irrespective of the money question, which, for the present at

any rate, I decline to sanction on the part of the Colony, the proceedings are irregular and illegal, unless with the full consent of the Colonial Government. You cannot stand by and let things be done in the manner you suppose. Our responsibility we cannot shift on others or refuse to bear ourselves.

And Mr. Merriman concluded the conversation:—

I shall send an answer to your last telegram as soon as I can—probably to-night.

Nevertheless Mr. Merriman added to the difficulty of the situation by refusing to concur in the proposed Minute. He, however, suggested that Mr. Molteno should await the Minute which the Governor had drawn up based on the telegrams which had recently passed, and had been shown to him. In this he said that the position of affairs had considerably improved, that the action of Mr. Chalmers had roused Sandilli to a sense of his danger, that upon the whole the prospect was much more hopeful than it had been.

I have received more than once a very decided expression of the opinion of the Prime Minister and the members of the Cabinet who are with him at the capital, that I and the two Ministers that are here on the frontier should immediately return to Cape Town. I am fully sensible of the manifold inconveniences which beset a Cabinet when it is impossible to meet for personal communication, but I feel sure that if Mr. Molteno, and his colleagues who are with him, could realise, as we do here, the extreme danger in the present excited state of the frontier, which follows any want of prompt and judicious action of the Executive, they would not dream of withdrawing the only representatives of the Executive whose action is not both limited locally, and inefficient in the extent of its powers. I earnestly trust that before the Ministers who are at present on the frontier are withdrawn from it, the Cabinet will provide a sufficient representative of the Executive Government, with power to draw his intelligence, as we now do, from all parts of the frontier, and to apply such remedy as may be available in the police or military force at our disposal.

Unless this be done, I must record my deliberate and strong conviction that there is the greatest possible danger of a civil war, which has been so long imminent, breaking out at any moment.

As regards myself, I hope that in a short time it may be possible for me to leave this part of the frontier without paralysing

the action of the military force beyond the Kei, but it will be for some days difficult to speak with any certainty on this point. As regards the Colony, I shall, in accordance with the Constitution, be glad to meet the Cabinet, whenever and wherever it may assemble, and *if the Cabinet has made previous arrangements for ensuring the peace of the frontier districts*, I do not think there could be a better place than Cape Town, but this is an important and essential proviso.

Individually, my powers are restricted to directing any movement of her Majesty's forces, regarding which I have no wish stronger than that of being favoured with the deliberate advice of the Cabinet. I think I have shown during the past few months, when I have been in daily communication with all the Ministers present, that there is no reserve in my earnest wish to elicit the counsel and be guided by the advice of my constitutional advisers; and I can assure them that nothing is further from my desire than to depart from the line of conduct I have laid down for myself in this matter since I first arrived in the country. If I do not immediately hurry back to the capital, in answer to the expressed wishes of the Prime Minister and members of the Cabinet there, it is simply because in the present state of the frontier I do not see how I and the Ministers now here, being the only symbols of the General Executive Government of the Colony here present, could withdraw ourselves without the most imminent risk of civil war—a risk which I think can only be effectually averted by the Ministers indicating some Executive authority to whom Government officials and the people of the frontier may apply for advice and assistance in repressing any threatened disturbance which requires the interference of police or military.

Having expressed these opinions, I shall anxiously await the advice of the Cabinet on the subject.¹

It will be perceived that the appointment of some officer with large powers is here made a condition of the Governor's return to Cape Town. On the following day the Governor actually suggests the appointment of Mr. Griffith:—

From what Merriman has communicated to me of your views as expressed in telegrams to him, I feel assured you cannot be aware of the extremely critical position of affairs here. The excitement in the Colony is perhaps less than last week, but the danger is greater of colonists, if left to themselves, pressing on a civil war with the Gaikas, Tembus, &c.

¹ C. P., A. 21—'78, p. 2.

I am sending you by post a Minute, which I should wish you carefully to consider before you decide on the course you will take. You seem by no means aware how entirely, for the moment, the Frontier Armed and Mounted Police have collapsed, and lost the confidence of their fellow-citizens. This is not Griffith's fault, and much may be done to repair matters if he is properly supported. But to ensure a reasonable hope of keeping the peace on the frontier, and to enable us to leave and rejoin you at Cape Town, you must have someone here to whom all can apply for advice and assistance, and who would have the power to issue orders to all where the intervention of police force or application for military aid was necessary. Griffith would, I think, do if he possessed your confidence, but you may know a better man. N—— will not do. He has, by his want of nerve and judgment, done infinite harm in Alice and its neighbourhood, You may rely on it that unless there is someone here to unite the disconnected energies of your Executive, you will invite some great disaster. You must have a police and judicial power here, able not only to check stock-stealing, but to bring to justice misguided men who may try to force on hostilities with the natives—a smaller evil than the present absence of police protection. If all goes on well, Griffith might be spared to come back here and reform the Colonial Police in a few weeks, or possibly days.¹

To this Mr. Molteno replies on the 20th :—

Your Excellency's telegram received. You may rest assured that nothing more is required to impress me as to the extremely critical position of affairs, arising, in my opinion, quite as much from the excited state of the people, both white and black, within the Colony as from actual danger from without. The late intelligence as to the Galekas and surrender of Botman indicates, I think, that they are not prepared to resist any longer, at any rate for the present.

The immediate effect of this must be a cooling down of the panic, and strengthening of the hands of Government in the most strenuous efforts it is able to put forth, to maintain law and order within the Colony, no matter at what cost. The ordinary civil power is still, I think, able to do this with the exception of two or, at most, three of the extreme frontier districts, within which I admit the possibility or even the probability of a stronger hand than that of the magistrate may be necessary, and would approve of the appointment of Mr. Griffith, with special powers, and with

¹ C. P., A. 21—78, p. 4.

him would rest the power of calling in the aid of military or extra Colonial force, if necessary; which power, with the aid of telegraphic communication, and thus obtaining such advice from superior authority before acting, as time and circumstances would admit, ought, I think, to be sufficient to give reasonable hope of the peace being maintained. I shall, of course, accede to your Excellency's request and defer a decision as to the course to be pursued.

Pending receipt of your Excellency's Minute in the meantime, however, even supposing I entirely coincide with your Excellency as to the state of our police &c., I cannot delay intimating my opinion that the military movements, preparations, commissariat and other arrangements on so gigantic a scale are uncalled for, and entirely beyond the exigencies of the case, as things at present stand, and without questioning the necessity which existed at the time that all this was decided upon, advise an immediate reconsideration and curtailment, and a return, as near as circumstances will admit, to the state of things which previously existed. It is not a question with me whether the Imperial or Colonial Treasury ultimately bears the expenses, but I consider it would be a failure of duty on my part to acquiesce in burdening either one or the other with expenditure not fully warranted by urgency of the case, nor can I delay impressing upon your Excellency the absolute necessity for a speedy return to the seat of Government. Your Excellency thinks that I do not fully realise the critical position of affairs on the frontier; this I have already alluded to, but permit me to state my opinion that your Excellency can hardly be sufficiently aware of the state of chaos into which the general government of the country is rapidly falling, by a continuance of the present condition of things, which it would be impossible fully to explain by telegram.¹

Mr. Molteno telegraphed to Mr. Merriman on the 19th, saying he will defer action on his proposed Minute until he receives the Governor's Minute, which of course could not be expected to arrive for some days after this date:—

Referring to what has taken place with regard to the military, and to our conversation on Monday last, are we to understand that you have assented to the position that the Governor exercises his control over the General in matters occurring within the Colony, or in which its interests are concerned, without reference to his Ministers? Whatever turn things may take I cannot help thinking for many reasons, which will occur to yourself, that

¹ C. P., A. 21—'78, p. 6.

had it been considered essentially necessary by the General and those acting under his orders to pass by the Colonial Government rather than to ask its co-operation, the thing might have been done in a manner less liable to misconstruction, than by appointing a gentleman who has taken up so prominently hostile a position towards the Government as Mr. Southey has.

Mr. Merriman answered that the Governor does not act independently, that the violent conduct of the whites on the frontier may lead to war, and that the military are terribly slow; if Mr. Molteno would agree to Mr. Griffith's appointment, they might all leave the frontier in a few days.

On the 18th, matters had taken a very favourable turn, the Galekas were surrendering, and had the military taken immediate action, the war would have been over. On the 14th Mr. Merriman had urged on the Governor that in his and Mr. Griffith's view 'a very moderate amount of vigour at Chichaba would stamp the thing out. . . . The military will allow the golden opportunity to slip by'; and to Griffith he telegraphs, 'Your views agree with my own opinions. I think if that band of thieves under Khiva at Umyameni were hunted down it would finish the matter off. . . . But what is wanted now is more action to destroy those predatory bands, and not the plan of a general campaign which will be completed too late.'¹

But the General was organising and equipping his great columns. Even the Governor complained of the time he took in making a move at Ibeka.² Colonel Glyn was in command, and Commandant Griffith could not move freely. Khiva crossed the Kei on the 22nd of December, and escaped into the Gaika location. The General had been warned of the importance of not permitting him to cross the Kei, and had been urged to attack him. He sent out a force which caught sight of him, but did nothing to arrest his movement.³

¹ C. P., A. 54—78, p. 72.

² C. P., A. 24—78, p. 26.

³ I. P., C—2000, p. 114.

This Khiva was the leader of the war party, and the Governor describes the effect of his escape to Lord Carnarvon thus :—

Khiva's appearance this side of the Kei was a matter of importance, as he was a bold and active young chief, the head of the war party among the Galekas.¹

And again :—

For some time there was an evident abatement of this excitement, but it suddenly burst out afresh on the arrival among the Gaikas of Khiva, the young leader of the Galeka war party. This is at any rate the only ostensible reason assigned to the sudden change which took place in the Gaika population, just at the time we were looking forward to a second clearance of Galeka-land.²

But was this the only ostensible reason for the change? The affairs of the Galekas were now in a very bad way. Sir Bartle Frere reported to Lord Carnarvon that in the Transkei there was every indication of an early termination of hostilities. 'The Galekas, where accidentally met in small parties by our patrols, acknowledged their entire defeat, and professed their desire to see peace restored. Kreli had sent his trusted commander-in-chief and valued councillor Botman and Wapi to our outpost officers to open negotiations for the termination of hostilities, and considerable numbers of people of inferior degree had come in and surrendered.'³ What now fanned afresh the flame?

¹ *I. P.*, C—2000, p. 114.

² *I. P.*, C—2079, p. 2.

³ January 2nd, *I. P.*, C—2000, p. 114.

CHAPTER XXVII

DISARMAMENT OF NATIVES. 1877-78

Governor ignores Ministers—Announces Disarmament of Natives—Fatal Effects—Gaikas driven to Desperation—The Governor refuses Ministers' Advice—Crisis in Relations—Mr. Molteno goes to Frontier—He vetoes Disarmament Policy—Martial Law—Governor refuses Attorney-General's Advice—Issues Illegal Proclamation—Subsequently withdraws Proclamation—Appeals for Imperial Troops—In Opposition to Mr. Molteno's Advice.

WHEN Mackinnon escaped into the Gaika location on the 18th of November there was a panic, owing to the fear that the Gaikas would rise. They did not, however, do so. What had occurred since then to alter their determination? An occurrence had taken place of which Sir Bartle Frere was not likely to be the informant to the Secretary of State, and very probably at the time he did not appreciate the enormous and vital consequences of his action.

On the 23rd of December, against the wish of the Minister who was with him,¹ and without any previous consultation with him or with the Cabinet, he met a deputation of the inhabitants of King William's Town, to whom he made a most fateful announcement of his policy towards the natives of South Africa, an announcement which at the time was regarded as of the most serious import, and which

¹ Mr. Molteno had in his telegram of 14th of December deprecated 'useless public meetings on the frontier,' and Mr. Merriman writes to Mr. Molteno, 'On my way down to East London on Saturday I wrote you a letter in the train, but owing to some mistake I could not post it. I am not sorry, as it contained some very cross remarks on the Governor's interview of the deputation last week as an explanation of my not being there. The fact is that I thoroughly dislike and disapprove of these informal Parliaments in which, although acting from the best motives, his Excellency is apt to be carried away and to get into arguments and make admissions which tend to throw the Government more or less into contempt.'—Letter of 24th of December, 1877.

was the prime if not the determining cause of the Gaikas now rising in despair. The Governor said to the deputation :—

I hope the members of the Executive Government will forgive me if I make a departure from constitutional usage, and at a time such as this will excuse my making remarks without previous consultation with them, and so avail myself of the opportunity of stating my own views frankly and fully . . . As regards the terms of peace, you may be sure that if my influence can have any weight you will have a permanent peace made for you. One of the measures to that end must be the entire disarmament of the natives.

Mr. Irvine, a member of the deputation, whose knowledge of the natives was unsurpassed, immediately made the significant remark ‘The disarming of the natives will test the loyalty of the Gaikas, and for that result we must be prepared.’¹

There was no exception made for the native who was fighting with you, the chief who was supporting you was to have his influence destroyed—all were to be disarmed. When this came to be attempted it cost the Colony enormous loss of life and a debt of between 4,000,000*l.* and 5,000,000*l.*, and then the attempt was unsuccessful. Its immediate effect was to drive the Gaikas to desperation, as Mr. Irvine had predicted.² This speech was made on the 23rd of December; before a week was over the Gaikas were in rebellion. Let us see what Sir Bartle Frere himself says of these unfortunate men, threatened as they were on all sides by white men. On the 25th of November he had written to Mr. Molteno :—

¹ *Argus*, Jan. 1st, 1878.

² We may compare this action of Sir Bartle Frere with another instance of the ignorance, indifference, and incapacity of British administrators in dealing with beliefs and types of character wholly unlike their own. The Sepoys' objections to the use of the greased cartridges seemed to them so childish as to be incapable of any depth, yet it produced a Mutiny which for a time shook the English power in India to its very foundation. See Lecky, *The Map of Life*, p. 97.

I feel quite sure that if Mr. Merriman and I had not been here there would have been a collision on the border of the Gaika location, and the whole of the Gaika population and their allies would have been in arms—not in enmity, but in terror . . . The Gaikas and all their friends were equally panic-stricken, believing we were about to commence war at once, and knowing its direful consequences to them, they were, I believe, more frightened at us than we were at them, which is saying a great deal . . . Beware of advocates of strong measures, which usually means the weakest of all measures, a constant resort to pure force and illegal despotism.

It will be recollected that this letter was in reply to a telegram sent by Mr. Molteno on learning that it had been decided to disarm Mapassa and Mackinnon, and urging that the natives should not be driven to desperation. Again Sir Bartle Frere asks what can be done legally to stop the Press from endeavouring to 'hound on the exasperated farmers to acts of violence and retaliation,' and suggesting for them consequences which

might be more disagreeable to the writers than the civil war and massacre of the Kaffirs, which it is their object to bring on as the 'strong measures' which alone can save the country. . . I know all these threats and fear the results.

And to Lord Carnarvon he reports :—

Without giving much weight to the assurance of the Gaika chief, Sandilli, when I went to meet him a few days since with Mr. Brownlee, or to other expressions of loyalty from similar quarters, I should have little apprehension on this score were it not for the reckless expression of apprehension and suspicion by many who ought to know better, exciting the fears not only of our countrymen as to what the Kaffirs may do them, but also the apprehension of the Kaffirs as to what we intend to do to them.

Too much praise cannot be given to the Government for steadily discouraging all that could give to this outbreak the character of a war of races.¹

On the 19th, three days before, he telegraphed to Mr. Molteno, 'the danger is greater of the Colonists, if left to themselves, pressing on a civil war with the Gaikas, Tembus,

¹ C. P., A. 7—'78, p. 88.

&c.¹ Further, on the 19th of December a detachment of the 88th was sent to Tylden to keep the whites in check.

Bearing in mind this state of feeling on the frontier, we may readily understand the immediate effect of a speech made by the Governor in the heart of the country affected, while at this critical moment Khiva arrived to aid with argument the party who might be inclined to urge war. The Gaikas were fully informed of the Governor's words, and the unfortunate tribe was goaded into a fight through desperation by a Governor who here, as so often, did not appreciate the effect of his own utterances. The text is still the same—he takes 'his ignorance for superior knowledge.'

But what of his Ministers, what did they think of this action on the part of the dictator? Was not this a return to the purely personal rule which the grant of responsible government had been supposed to set aside for ever? A man had again landed on the shores of Table Bay with no previous knowledge of South Africa, and through his ignorance was dictating a policy which was to lead to immeasurable bloodshed and loss of treasure. Sir Bartle Frere had set aside the advice of his responsible Ministers in his action with regard to Kreli as soon as the latter showed that he meant to defy the orders of the Government.

He had not only countermanded the advance of the 88th to East London and the landing of the troops at Mazeppa Bay, but now he had taken a far more serious administrative step. He cancelled the arrangement which had been made between the Colonial Government and the High Commissioner in Sir Henry Barkly's administration as to the mode of communication between the Imperial Military Authority and the Commander of the Forces. The course followed had been that all communications should pass through the Governor. By a stroke of his pen, without consulting his Ministers at all, and, as he admits, without even being informed of the

¹ C. P., A. 21—'78, p. 4.

reasons for the previous arrangements being made, he cancelled them.¹ The Ministry proffered advice that he should return to the seat of the Government, advice given by his constitutional advisers owing to the business of the country falling into confusion, and owing to the absolute necessity of the Cabinet being united for the purpose of advising him on matters of the most serious import. This advice he set at defiance.

Sir Bartle Frere suffered from the defect of his qualities—energetic, active, and masterful, he wished to control everything himself. He acted as Commander-in-Chief in the field, though this was unconstitutional.² He had forced upon the Ministry, by the threat of a Ministerial crisis, the adoption in principle of his German and Scotch immigration scheme for the settlement of Galekaland. He had, without the consent or advice of the Cabinet, proclaimed Kreli's country forfeited. He had vetoed Mr. Molteno's suggestion that the Fingoes should be used in Galekaland on the news of the return of the Galekas.³ He had insisted upon the employment of Imperial troops against Mr. Molteno's wishes and advice. He had been informed by Mr. Molteno that the advice of the Cabinet on all important matters must be stated, yet he had played off the Ministers with him against those at a distance, and had either not consulted them at all or not allowed them time to deliberate. Now he calmly stated that he was consciously transgressing the rules of constitutional government in announcing, not his Minister's policy in regard to the natives, but his own.

This was too much, and Mr. Molteno discussed with his colleagues at Cape Town the resignation of the Cabinet. He

¹ *C. P.*, A. 7—'78, pp. 30, 31.

² For proof we may refer to his action in countermanding the orders of the General for landing troops at Mazeppa Bay, to his censure of the General for the delay in his movement to Ibeka, and various other details, showing that he was practically attempting to act as Commander-in-Chief in the field.

³ *C. P.*, A. 7—'78, p. 39, para. 26.

could not, however, bring himself to resign at such a crisis. He had been entrusted by Parliament with its confidence, and he would do much to avoid abandoning the post until he could give an account of his stewardship. It was impossible to summon Parliament at once. But what weighed with him most was the fact that the Colony was in a critical condition; as he said to Mr. Stockenstrom, 'now, when the ship is in danger, I cannot leave the helm.'

Was the action of Sir Bartle Frere that of a constitutional Governor? was it not personal rule, and the rule of a dictator? It subsequently appeared that he had received and made use of advice and memoranda from individual members of the Cabinet while on the frontier, which memoranda their colleagues had not seen.

As an instance of this it may be mentioned that of the papers published by the new Ministry relating to the dismissal, the first two statements dated the 8th and 26th of December respectively were not seen by Mr. Molteno till the 13th of January. This information was withheld at the time, and it was not announced until it subsequently appeared in a note by Mr. Lyttleton, the Governor's private secretary.¹

The Governor was no doubt aware of Lord Carnarvon's desire to get rid of the Molteno Ministry, evidenced by his intrigues with Mr. Paterson, and by his published instructions to Sir Henry Barkly to dissolve the Parliament if it supported Mr. Molteno. He thus felt assured that in any conflict of views he would be supported by Lord Carnarvon, who had given him every power to make him dictator of South Africa. Upon his arrival he was unable to dispense with Mr. Molteno's services, owing to his large majority in Parliament, but still more to the fact that the Griqualand West Annexation Bill was being carried in deference to Lord Carnarvon's wishes through the Cape Parliament.

But the time had come and he had no hesitation. His

¹ *C. P.*, A. 17—'78, p. 85.

advice under similar circumstances in the case of New Zealand was the appointment of a dictator. He now put this advice in practice. He discussed publicly with public deputations affairs of the greatest moment, and even entered upon the position of his Ministry. He communicated directly with Mr. Sprigg, the leading member of the Opposition, who informed the public that he had placed his views before Sir Bartle Frere. Under ordinary circumstances Mr. Molteno would have resigned ; but his strong sense of responsibility and his true loyalty to the interests of the country made him inclined to endeavour once more to ascertain whether a *modus vivendi* could not be found.

He saw that a divided Cabinet could no longer go on. Since the Governor refused to return, he must himself at all costs go to the frontier. If he were to be responsible for the measures which were carried out, they must be such as he could advise. If, on the other hand, Sir Bartle Frere deliberately determined to disregard his Ministers, this fact would be known by him definitely, and if the Governor refused to follow their advice in placing the Colonial forces under an officer subject to Colonial control he would at once resign. Mr. Stockenstrom writes at this time—the 30th of December—to Mr. Molteno :—

I do not like the Governor's style ; he seems querulous and inclined to blame us for the effect of his own acts. I have therefore drawn up a short memorandum containing my views, which I should be glad to receive back after you have had time to peruse it. I think you should make a personal appeal for men, and *go to the front*, where I am sure your advice and presence are much needed. I am willing to place myself at your disposal to go to the front in any capacity.

The memorandum was as follows :—

The outbreak of the Gaikas—British subjects resident within the limits of the Colony—has greatly altered the aspect of affairs ; and while Ministers were to some extent justified in allowing the Governor to settle the Galeka difficulty beyond the borders of the

Colony in a manner of which they did not entirely approve, I do not think they would be justified in allowing the Governor to act in the Gaika affair contrary to their advice. The difficulty which is presented to Ministers at this end of the Colony is that they are not kept fully advised as to the actual state of affairs on the frontier, and that the most contradictory statements reach them from sources which they have reason to consider well informed.

But what did Mr. Molteno think of the Governor's plan of disarmament, concerning the announcement of which he had not been in any way consulted? He was not aware of what the Governor was about to say to the deputation at King William's Town on the 23rd; but on the 27th Mr. Merriman placed the Governor's proposal before Mr. Molteno. It took the form of a proposition that the whole of the native tribes should be disarmed:—

The most simple and practical measure will be to disarm all natives, beginning with the Gaikas, except such as have their arms registered by permission of Government. This can at present only be done by an arbitrary exercise of power, relying on a ratification of the act by Parliament. It will be necessary to issue a proclamation, giving due notice of our intention, and proclaiming as illegal the carrying of arms except when enrolled and under special permit, also the raising of the war cry, and providing that those transgressing the provisions of such proclamation shall be treated as Queen's enemies. If you concur, will you be so good as to get the Attorney-General to telegraph his idea of the form such proclamation should take in order that, while not concealing that its issue is only justified by the gravest considerations of public safety, it might assume as near a legal form as possible. The matter presses, as if we could by such a proclamation give due notice of what our intentions are, men would turn up readily, while in the absence of any such notice they hang back from fear that they may only be wanted as a repressive police, and no action be taken. I think such a measure would be better than martial law, which seems the only alternative.¹

This was the Governor's proposal pure and simple, and if any proposal could be termed 'insane,' this certainly was

¹ Telegram from Mr. Merriman to Mr. Molteno, 27th of December.

so, whether we look to the position of the forces at the disposal of the Government, or of the effect upon the friendly natives fighting with us. Mr. Molteno replied on the 28th at 6 A.M. :—

Your telegram of yesterday afternoon on subject of disarming all natives, beginning with the Gaikas, and issuing proclamation to that effect received. After discussion with Attorney-General, have not the least hesitation in stating that the proposition is, from all points of view, absolutely inadmissible.

The Governor seems to have thought that his proclamation would be sufficient to justify his action. Mr. Molteno, however, pointed out that, quite apart from other considerations, it was absolutely illegal. Moreover, although there had been no suggestion from Mr. Molteno that any special steps were necessary in connection with the demand on the Gaikas for the surrender of Khiva, the Governor now expressed the desire that martial law should be applied to the Gaika location. The moment was a critical one. In all previous Kaffir wars martial law had been proclaimed. It was an extraordinary proceeding, and necessitated the passing subsequently by Parliament of an Act of Indemnity. There were recognised precedents both in English and Colonial law. Mr. Molteno assented to the proclamation of martial law as soon as the Governor, Mr. Merriman, and Mr. Brownlee should all agree in its advisability. Before the Attorney-General could telegraph the proper proclamation, the Governor had already forwarded a proclamation of his own. He was acting as dictator in military matters, he was acting as dictator in matters political.¹ Now he put himself forward as a dictator in regard to the law.

He began by suggesting that the military officers carrying on operations should be made justices of the peace or magistrates in order to give them power 'to deal with cases

¹ *E.g.* in regard to the mode in which the Cabinet Councils were to be conducted in his presence, and not privately.

arising in their separate commands.'¹ To this Mr. Molteno replied that there was no law under which they could be made magistrates, while the commission proposed would give them no power to punish offenders. Yet the Governor pressed his view, to which Mr. Molteno yielded, while expressing a fear that a misapprehension as to their powers on the part of these officers might be productive of evil. This was a small matter, yet it served to show the extent to which the Governor was initiating matters with which the Ministry should alone deal, and how he determined to carry his view when once formulated.

With regard, however, to the proclamation of martial law, a very serious question arose. The Governor desired to apply his Indian experience, gained during the Mutiny, when civil commissioners accompanied the military columns with a view to speedy sentence and punishment of rebels. Whatever the law of India may be, such a mode of proceeding was quite illegal in the Cape Colony. As soon as the proclamation drawn up by the Attorney-General had been issued—without waiting for the opinion or the sanction of the Cabinet on the matter—the Governor published a notice dated January 1st, 1878, appointing five commissioners to administer martial law.

This act was wholly illegal, and he was immediately informed by the Cabinet that it was so.² The Governor then asked what tribunal was suggested for the speedy trial of rebels and their immediate punishment, to which the Attorney-General replied that if it were impossible to delay the trial of rebels till they could be dealt with by the ordinary courts, then the only form of trial was drum-head court-martial. Mr. Molteno informed Mr. Merriman that he was surprised to find that the Governor had already acted on a suggestion for the appointment of commissioners without waiting for the deliberations and the opinion of the Cabinet on the subject.³ The Governor nevertheless, on being informed of the

¹ *C. P.*, A. 4—'78, p. 26. ² *C. P.*, A. 4—'78, p. 20. ³ *C. P.*, A. 4—'78, p. 18.

illegality, persisted in his own view, and entered upon an argument of considerable length with the Attorney-General, who informed Mr. Molteno that he must resign if the Governor persisted in carrying out his own views in opposition to his deliberate advice.¹ Well might the Attorney-General say to Mr. Molteno that he did not like the action of the Governor, who seemed inclined to blame his Ministers for acts done against their advice when the consequences were unpleasant.

The telegrams received from the frontier by Mr. Molteno were now very conflicting, and reflected the hopes and fears of the moment, thus making any concerted action on his part almost impossible; as he said in his telegrams to Mr. Merriman and the Governor, he was not kept informed of their intentions, nor were his proposals acted upon or even at times discussed. On December 18th Mr. Merriman had telegraphed that the war was practically over. Then came the escape of Khiva into the Gaika location and a return of the old panic. On the 26th Mr. Merriman informed Mr. Molteno that they have enough men at the front for the present, and asks for only thirty men from the west, while

¹ The final result of this matter was that Mr. Upington, the new Attorney-General, after the dismissal of the Ministry, entirely agreed with his predecessor, with whom he had discussed the whole matter. On leaving office, Mr. Stockenström impressed upon the new Attorney-General the necessity of preventing the Governor acting upon his appointment of commissioners. This Mr. Upington carried out, and the whole of the instructions and appointment of commissioners issued by the Governor were thereupon cancelled, yet the Governor actually says that the new Attorney-General's views were very much his own, and that he entirely agreed with him; that he had impressed upon the late Ministry that the courts for the trial of rebel prisoners must be real courts-martial, and he takes credit with Lord Carnarvon for this action of his in cancelling what was his own illegal proclamation. Indeed, the whole subject of trial of rebels was raised solely by the Governor, and on January 28th Mr. Stockenström reminds the Governor:—

'Holding these views, I wish to place on record that the main object of the Government in proclaiming martial law was to secure the disarmament of natives in Stutterheim and Komgha, that the question as to the trial of rebels, otherwise than by the regular tribunals, did not originate with Ministers in Cape Town, and that I have persistently set my face against any such irregular trial.'—*C. P.*, A. 4—'78, p. 22.

the Governor on the same day telegraphed to him 'We have great want of men, especially mounted burghers or volunteers for patrols and posts.'

How had this want arisen? The Governor, in his capacity as High Commissioner, had insisted upon the employment of Imperial troops in the Transkei, but as soon as they were asked to take an active part in the war, the General said he could not move without cavalry, then without artillery, and then without Fingo levies, so that as a result the Colonial Government were now asked not only to supply all their own operations with troops, but to hand over the forces above enumerated to aid the Imperial troops in taking the field. Not only was this aid asked for, but it was asked for to such an extent that the operations proposed could easily have been carried out by the auxiliaries alone—indeed, could have been carried out far better, as they would then have been unhampered by the slow movements of the Imperial troops.

Sir Arthur Cunynghame had grandiloquently informed the High Commissioner, in answer to his aggressive proposals respecting Pondoland in November, that he was ready to march through Galekaland, and even Pondoland, and the whole native territory, with the men he had under him, together with 200 mounted men, with which force he was prepared to dictate terms to the various native chiefs.¹ But

¹ Page 3 of *C. P.*, A. 24—'78. Extract from Sir Arthur Cunynghame's letter dated November 13th, 1877, to Sir Bartle Frere: 'Give me but a short time, and I shall be perfectly prepared to march from King William's Town to Maritzburg across Pondoland, conducting a brigade consisting of four or six guns horsed, 200 cavalry, 80 of which will be formed from Her Majesty's troops, and 120 from the F. A. M. Police, with two battalions of infantry; I have a perfect staff to assist me in this operation. On my way through I shall be quite ready to dictate to those chiefs any political arrangements that you may consider desirable. I will *also*, provided you consider it advantageous, take up a permanent situation between the Kei and the Bashee rivers, and still retain, should you consider it necessary, the complete command of the Kei river and Gaikaland.' This was in answer to a conversation between the Governor and the General, in which the General says: 'I have reflected upon the tenor of your conversation with me this day. Should two infantry regiments come out,

this was when Galekaland had not been swept by Commandant Griffith; now, when he was asked to undertake the simple operation of keeping out the broken-down forces of the Galekas, his needs had risen to the demand for large numbers of mounted men and Fingo levies. It was a misfortune that the Imperial General was not better fitted to cope with the emergency which had arisen. The difficulties of regular troops in Kaffir wars are always great, and in this case were much increased by the incapacity of their temporary commander. It is only necessary to add that he was recalled before the operations of that war were completed.¹

In the war of 1846, when Mr. Molteno had himself served as a commandant of burghers, he had observed the unfitness of the Imperial troops for irregular guerilla warfare. He had also been a witness of the friction and serious disagreements which had arisen out of the relations of the Imperial troops with the burghers.² There was an attempt to make the latter their hewers of wood and drawers of water for the Imperial troops, while the inefficiency of the military for Kaffir warfare was patent to all. This want of harmony had existed even where Sir Andries Stockenstrom had a separate command of the burghers entirely independent of the military, but acting in co-operation with them.

the service which they naturally will be required to perform will be that of placing the country under your High Commissionership into a state of security.' Thus, at this early period, Sir B. Frere was seeking to get out two regiments for ulterior purposes, and was suggesting the march through Pondoland to Natal, a favourite scheme of his, which he revived even after the Transkei, the Tembu, and the Zulu war; but a wiser head was then in supreme control, and Sir G. Wolseley refused him the forces for which he asked with the intention of parading through the country—like the Irishman with his coat tails inviting the insult of his neighbour's foot.

¹ 'I received information that in consequence of my not having concurred in the military policy of the late Government, it was considered necessary by the authorities at home that I should be superseded in my command. So anxious did they appear to be that this should be carried out, that my successor was directed to embark within a week, and he arrived in the colony in less than ten days after I had received an intimation of this intention.'—*General Cunynghame's Statement*, p. 205 of *I. P.* [C—2144].

² See *ante*, vol. i. p. 41.

Now, when the services of all the volunteers and burghers were voluntary, men came forward under the express condition that it should be under their own officers,¹ and it was arranged that only those who were specially placed under the General were to be under military command. Commandants Frost, Brabant, Cowie, and Schermbrucker had been commissioned by the Governor as commandants of their respective forces free from military control, and had conducted the operations throughout the war on this system, being directed generally by Mr. Merriman, who acted as a sort of War Minister by an arrangement which the Governor—though he subsequently endeavoured to repudiate it—had himself approved.²

To return to our narrative, the Governor had asked for more volunteers and burghers. Mr. Molteno replied on the 27th, and said the advice of the Cabinet was to put in force the Burgher Act. The Governor at last, after delaying and temporising first with Kreli and now again with Sandilli, became impatient, and desired in accordance with his well-known views to call for more Imperial troops. He had admitted to Mr. Merriman that the volunteers and burghers could crush the Gaikas effectively, but he did not desire any accession of these forces. Mr. Molteno, replying on the

¹ We may compare the refusal of the American troops to serve except under officers of their own choice. See Lecky, *England in the Eighteenth Century*, vol. iv. p. 222.

² On this important point the words of Sir Bartle Frere are conclusive. He wrote to General Cunynghame:—'Your Exoellency is aware that since the present disturbances came to a head the Honourable the Commissioner of Crown Lands has, with my full concurrence, and with, I have every reason to believe, the full consent of the whole Cabinet, taken the principal share of all the duties which would devolve on a Minister of War and Internal Police, and such offices exist here.' (*C. P.*, A. 7—'78, p. 55). While to Lord Carnarvon he writes, under date December the 4th, 1877:—'I should not omit to record my sense of the degree in which the services of the forces in the field were aided and supported by the unflagging energy and quick intelligence of the Honourable Mr. Merriman, the Commissioner of Crown Lands, who was charged by Mr. Molteno and his colleagues in the Ministry with the civil duties which usually devolve on a Minister for the War Department.'—*I. P.*, C—2000, p. 10.

31st of December to a telegram in which the Governor spoke of a certain volunteer corps desiring to be relieved :—¹

What do you want me to do in this respect? It is hardly necessary for me to repeat that more men can be sent up from this and Port Elizabeth; but do not let us be working at cross purposes. To what extent, and within what portions of the Colony, do you wish me to act? With two members of the Cabinet present with the Governor, I hesitate to act without their assent.²

The Governor, however, did not want more Colonial troops; in fact it was diametrically opposed to his object that more Colonial troops should come forward and should crush the rebellion immediately.³ The real object he could not openly avow, because Lord Carnarvon was not prepared to send more troops for such a purpose as Sir Bartle Frere had in his mind. He intended to crush the Zulu power, and for this purpose he wished to mass troops in South Africa, to be at hand to use, whether the Imperial Government wished it or not, against Cetywayo.

On the 18th of December, 1877, the war was reported as nearly over by the Governor and Mr. Merriman, only on the

¹ This corps had asked to be relieved or to *advance* (*C.P.*, A. 17—'78, p. 14). The following is the wording of the request of its commandant :—

'I have the honour to inform you that it is now three months since the detachment under my command left Cape Town, and for the last two and a half months has been stationed at the Springs, whereas detachments who came up some time after we did went on at once to the front.

'The men under my command are now tired of the monotony and inactivity and for some time past have expressed a wish either to advance or return home, and as now there seems no chance of our going on, they request that they may be allowed to return to Cape Town as soon as possible.

'I have therefore to request that you will be pleased to cause such arrangements to be made, as to have the detachment under my command relieved at your earliest convenience.'

² Telegram to Mr. Merriman the 30th of December, 1877.

³ Page 9 of *C.P.*, A. 4—'78. Writing to the Secretary of State, he tells him that to Mr. Molteno he had said: 'As most of his forces were volunteers, under no legal obligation to serve, I, of course, wish for none but those who volunteered to serve under military control.' While on the 4th of December he again says, 'Had the occasion required it, these numbers might have been largely increased' (this of the volunteers and burghers). *I.P.*, C—2000, p. 9.

26th did the Governor ask for more volunteers and burghers. The Burgher Act was advised to be put in force on the 27th, and on the same day Mr. Molteno expressed his readiness to send more volunteers from the west, while also advocating the use of Fingoes in larger numbers¹; and deprecating the call of so small a number as thirty men from the west. Yet the Governor, without even considering or accepting these measures, or awaiting their results, telegraphs on December 31st:—

These eastern provinces will be thrown back for years. I can only myself appeal to her Majesty's Government for more troops. Do you support my request? We require at least eight hundred good burgher cavalry, and at least as many good European burgher foot soldiers, all well armed and equipped to finish speedily, and to spare life and expense: cannot you get these from midland and western districts? If not all, a few hundreds will be acceptable, and may avert the desolation of large tracts of country. Let us know what you can do.²

It would take months to get Imperial troops, even were there no other objection to their use. Mr. Molteno replied under date the 2nd of January:—

In answer to your Excellency's telegram of 31st ultimo, we are making every effort to send up reinforcements of volunteers, burghers, and levies, pending arrival of which no men at present serving on the frontier should be relieved. The drought which has so long prevailed, and consequent low condition of horses, and diminishing supply of forage throughout the Colony, restricts us very much to infantry; but which for the work we have to do, I am disposed to think, will be effective, and sooner obtained than troops from England. I cannot, therefore, support your Excellency's request to her Majesty's Government for more troops.³

But it subsequently appeared that the Governor had taken the bit in his teeth, and had, on the 31st of December, in spite of his Minister's wishes, asked for Imperial troops.⁴ He

¹ See telegram, *C. P.*, A. 4-'78, p. 27.

² *Ibid.* p. 28.

³ *Ibid.* p. 28.

⁴ See *I. P.*, C—2000, p. 108.

mentions the disturbed state of the Zulu border in connection therewith, while in another despatch of the 2nd of January he admits that Mr. Molteno is still sceptical as to the necessity for the employment of Imperial troops;¹ in a despatch of a little later date he states he would have been ready to await the effect of Mr. Molteno's measures, had it not been for the threatening aspect of affairs on the Zulu border.²

Yet Mr. Molteno was correct, for the operations undertaken by the Colonial troops, together with the forces raised by him, had crushed the rebellion. On the 24th of January Sir Bartle Frere himself reports to Lord Carnarvon:—'The general result has, however, been greatly to discourage the rebels, and they appear to have already broken up into small marauding bands, more intent on escaping than on any combination for large operations.'³ While on the 23rd of January Colonel Bellairs, D.A.G., commanding the eastern frontier, reported to the Secretary of State for War:—

It is, of course, possible that a rising may take place elsewhere, causing an extension of the area of disturbance; but otherwise the war may be regarded as nearly over, and in that case I think

¹ See *I. P.*, C.—2000, p. 116.

² January 9. *C. P.*, A. 4—'78, p. 30. We have an indication of the objects and purposes which Sir Bartle Frere had in view in requesting reinforcements from her Majesty's Government, in the following paragraphs of his despatch:—

'(8) I trust I may have underestimated the amount of support likely to be rapidly afforded by the midland and western provinces, and that their contingents may come up to the expectations of Messrs. Molteno and Merriman.

'(9) I would be better content to await the result, were it not for the very threatening aspect of affairs on the Zulu border; but, believing as I do, that with a proper police force a single regiment ought to be ample for the garrison of these provinces, I should be glad to see a nearer prospect of being able to detail reinforcements for Natal.

'(10) This has induced me to press on your Lordship the necessity for sending out the two regiments for the relief of her Majesty's 13th and 24th at once, with powers to retain the relieved corps till matters are quieted.'

A further light is thrown upon Sir B. Frere's ideas in connection with these forces by the General's letter to him of the 13th of November, where he discusses the use of the two regiments he proposes to ask for, be it noted, long before this supposed crisis (*C. P.*, A. 24—'78, p. 3).

³ *C. P.*, A. 17—'78, p. 35.

I may safely say, that there is no record of a former Kaffir war having been conducted with so few military mistakes, without a single disaster or advantage gained by the enemy, and with so little bloodshed and loss of property.¹

This testimony to the success of the operations, from a source generally very hostile to the Ministry, is valuable; yet on the 2nd of February the Ministry was dismissed, nothing having occurred to make the state of affairs less favourable in the interval.

On the 26th of January Sir Bartle Frere himself says :—

The enemy, Gaikas as well as Galekas, appear thoroughly crushed and dispirited, and, apparently, all that is needed is actively to hunt up the broken bands now scattered about the country; a service of police rather than military, for which the large reinforcements of volunteers and burghers, which Mr. Molteno expects, will, he assures me, be sufficient.²

The reinforcements asked for by Sir Bartle Frere were, in the result, not necessary, and when the 90th regiment arrived it was not, as a matter of fact, sent to the frontier, except a small portion who relieved some companies of the 88th, while the remainder went to Natal.³

This, however, is to anticipate matters, and it is time to return to the state of affairs at the commencement of the outbreak.

The telegrams received from the frontier showed nothing but great alarm and confusion, while the Governor was issuing instructions, and carrying out his ideas of the appointment of commissioners for martial law without awaiting the advice or consent of his Cabinet. His announcement as to asking for Imperial aid, combined with his other arbitrary acts already enumerated, led Mr. Molteno to decide on visiting the frontier at all costs, in order that he might set matters straight, as he had done on his previous visit in October.

¹ C. P., A. 16—'78, p. 25.

² C. P., A. 2—'78, paragraph 29, p. 21.

³ C. P., A. 24—'78, pp. 26, 27.

He could not find it compatible with his duty any longer to allow Sir Bartle Frere to be virtual dictator, while he himself and his colleagues in the Cabinet had the real responsibility. When the outbreak was confined to much smaller dimensions, the Ministers had urged that larger forces should be raised, and that proper steps should be taken ; but the Governor had then put them off, and now complained because men did not appear when he pressed an electric button.

CHAPTER XXVIII

EVENTS LEADING UP TO DISMISSAL. 1878

Arrival on Frontier—Griffith appointed Commandant-General—Military Mismanagement—Disastrous Retreat—Relations between Imperial Troops and Colonial Government—Difference between Governor and Ministers—Ministers insist on control of Colonial Forces—Governor resists—Correspondence between Mr. Molteno and Governor—Minutes between Governor and Mr. Molteno—Governor forces Cabinet Council.

MR. MOLTEÑO arrived at East London on the 8th of January, and was met by a telegram from Mr. Merriman welcoming him to the frontier, and adding, 'Here you are in the midst of drought and famine and war,' a very disastrous conjunction. The Premier was not the man to be deterred by difficulties ; if he could only be in a position where he might grapple with them he would soon overcome them. On the 9th he reached King William's Town, and he immediately entered upon long conferences with the Governor as a preliminary to the formulation of the advice of the Cabinet. Until this time the Ministers present on the frontier had met the Governor in council, and no formal minutes had passed between them. Now, however, Mr. Molteno said that it was no longer possible to act in this manner. The proceedings must be conducted in the proper constitutional method and minutes between the Governor and the Prime Minister must embody the final decisions, whatever informal conversations might take place in the first instance.

This was the constitutional practice. Sir Bartle Frere had on Mr. Molteno's first arrival resented it ; he was entirely

wrong in so doing,¹ but he now resented it still more and determined that it should not be followed. He called it 'being placed in quarantine,' but it was the only proper and safe course. The Sovereign, or Governor in the Sovereign's place, communicates with the Cabinet through its Prime Minister, and not with individual members of the Cabinet; much less is the Sovereign present at the discussions of the Cabinet. If Ministers were to act constitutionally at all, and to be responsible for their advice, this was the only possible procedure. The informal method on the other hand suited the Governor admirably, as he was thus able to impress his views on weaker members of the Cabinet and obtain their support as against their colleagues, and so divide the Cabinet and enable his own views to prevail.

There were two main questions to be settled. The Governor had suggested in his telegram of the 18th December² the appointment of an officer with very large powers if he were to accede to the advice of his Ministers to return to the seat of Government at Cape Town, and on the 19th of December³ he had mentioned Mr. Griffith as the officer to be empowered to act in the manner suggested by him. Mr. Molteno had agreed to this suggestion, which was quite in accord with his own views. He wished to have a Commandant-General of the Colonial troops, as had been the case in 1846, when Sir A. Stockenstrom commanded the burghers, under the Governor only, and free from military control,⁴ and on the 14th of January Mr. Griffith had been called from the Transkei to King William's Town to receive this appointment. On the 15th the Governor agreed to the Minute of the Ministry as to his appointment as Commandant-General of Colonial forces.

On the same day Mr. Molteno telegraphed to Captain Mills,

¹ See Todd, *Parliamentary Government in the British Colonies*, second edition, pp. 11, 47.

² *C. P.*, A. 21—'78, p. 1.

³ *C. P.*, A. 21—'78, p. 4.

⁴ See Theal, *Hist. of S. Africa*, p. 269, vol. 1834-54.

'Have appointed Griffith Commandant-General of colonial forces,' and told him that it must appear in the next 'Gazette,' which it did, and it was also officially notified on the 18th in King William's Town.¹ This minute, while under the control of the Governor, subsequently disappeared. Mr. Molteno had specially asked the Governor to wait until Mr. Griffith's notification as Commandant-General had appeared, before decorating him with the C.M.G. for his services in clearing Galekaland, and this the Governor did, addressing him as Commandant-General. Subsequently the Governor asserted that the minute had not been signed by him, but this was after the dismissal of Mr. Molteno, while the papers produced show that he referred to the minute himself.²

Had he not been so appointed he could not have legally held the appointment of Commandant-General; yet Mr. Sprigg, the new Premier, admitted that he had no doubt of Commandant Griffith's legal position, and that he was continuing to act under the original appointment. Subsequently Sir Bartle Frere desired his duties to be defined, and suggested alterations for the organisation and improvement of his department.³ Circumstances had

¹ *C. P.*, A. 21—'78, p. 4. It must be remembered that the papers in A. 21—'78 were not produced until the dismissal debate was already concluded. Document No. III. in these papers runs as follows:—

III.—Copy of Government Notice of Appointment of Mr. Griffith as Commandant-General of Colonial Forces issued and dated at King William's Town, 17th January, 1878.

Government Notice—No. 53, 1878.

Colonial Secretary's Office,
Cape of Good Hope, 17th January, 1878.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint Charles Duncan Griffith, Esquire, to be Commandant-General of Colonial Forces, from the 15th instant.

All returns and reports connected with the Forces of the Colony will be made to him accordingly.
J. C. MOLTENEO, Colonial Secretary.

² See p. 18 of *C. P.*, A. 2—'78, also p. 17, while at p. 21 he actually calls him 'Commandant-General Griffith.' 'Admitting, as I do most cordially, the great merits of Commandant-General Griffith,' p. 21, *C. P.*, A. 2—'78, under date the 26th of January.

³ See p. 18, *C. P.*, A. 2—'78.

arisen since the appointment which caused Sir Bartle Frere to go back on his previous views and to speak of the office of Commandant-General as one unknown to law, and illegal, because he was not to be subject to the General.¹ The Ministry had taken him at his word and meant to give Commandant Griffith the necessary powers to command the whole of the Colonial forces, placing him not under the General, but under the Governor, who would have to instruct him with the advice of the Cabinet.

A very serious mistake resulting in the temporary loss of an important position had been made by the military authorities on the 8th of January, just before Mr. Molteno arrived upon the frontier, and the incident confirmed him in his view that it would be in the highest degree unwise to entrust the command of the colonial forces to the Imperial General. Had it not been for the action of the Colonial Government in reoccupying this post the consequences might have been lamentable. The serious nature of the disasters which were possible where officers were entrusted with the command of troops in Kaffir warfare, who were unacquainted with the Kaffir character and mode of fighting, was terribly exemplified in the frightful disaster at Isandhlwana in the following year. Mr. Molteno had himself taken part in the relief of Block Drift, and had witnessed the state of demoralisation into which troops are thrown when they have retired in face of a barbarous enemy, who are in consequence elated by their unlooked-for success. Lord Roberts has described the demoralised condition of the British troops whom he found at Candahar after their defeat at Maiwand.²

¹ See pp. 8-9, *C.P.*, A. 4-'78, and elsewhere throughout his despatches.

² 'I confess to being very greatly surprised, not to use a stronger expression, at the demoralised condition of the greater part of the garrison; there were notable exceptions, but the general bearing of the troops reminded me of the people at Agra in 1857. They seemed to consider themselves hopelessly defeated, and were utterly despondent; they never even hoisted the Union Jack until the relieving force was close at hand. The same excuses could not,

Impetu was a most important point, commanding the Chichaba valley on the one side and covering the East London district on the other. It was a position which was held as a barrier by 150 men of her Majesty's troops. On the 8th of January a large force, consisting of some 500 infantry, 86 mounted men, and 250 Fingoes, marched to Impetu and relieved the garrison, the post being abandoned to the enemy. The Kaffirs were not engaged, and within twenty minutes the position was occupied by them. The Colonial authorities had vigorously objected to this. It was a most fatal error. The whole of the East London district was immediately uncovered to the enemy, who could proceed without the slightest check, and had it not been for Commandant Brabant and his police it is impossible to say what might have taken place; a wave of barbarism might have come down and swept the Colony.

On Mr. Merriman's representations even the Governor remonstrated with the General against abandoning Impetu.¹ It showed the utter incompetency and want of knowledge of the native character on the part of the military authorities. It was a direct encouragement to the Gaikas to see a force large enough to march anywhere through Kaffirland retire in face of the enemy.² Mr. Molteno telegraphed to Captain Mills:—

Impetu has been abandoned, a proceeding which we as yet do not understand, but will probably have to reoccupy again im-

however, be made for them, who were all soldiers by profession, as we had felt inclined to make for the residents at Agra, a great majority of whom were women, children, and civilians. The walls which completely surrounded Kandahar were so high and thick as to render the city absolutely impregnable to any army not equipped with a regular siege train. Scaling ladders had been prepared by the enemy, and there was an idea that an assault would be attempted; but for British soldiers to have contemplated the possibility of Kandahar being taken by an Afghan army showed what a miserable state of depression and demoralisation they were in.'—*Forty-one Years in India*, 30th edition, p. 494.

¹ *C. P.*, A. 24—'78, p. 23.

² In its disastrous effects it was like Colonel Richardson's retreat from the Beka mission station in the war of 1846. See *supra*, vol. i. p. 30.

diately by colonial forces. Promised attack on Chichaba postponed apparently indefinitely. This the only point where Galekas are supposed to be in any force, and it is so provoking, with so large a force in immediate neighbourhood, that the military considered they were not strong enough to attack it.

The colonial forces were now coming forward in large numbers, and the fear of the military authorities and the High Commissioner was apparently that the whole war would be finished before their Imperial reinforcements could arrive, and that thus the purpose of massing troops on the Zulu border would be frustrated. Mr. Molteno knew well enough that the rebellion was a small affair and could be easily dealt with by prompt and determined action. Even the Governor had admitted to him and to Mr. Merriman that the Gaikas could be crushed at once by a vigorous attack of burghers and volunteers, though later on Sir Bartle Frere seems to have suffered from a panic and talked of the danger being as great as in the Indian Mutiny.

Yet, owing to the dilatory action of the military in the Transkei, the war now seemed likely to extend in the Colony, and Mr. Molteno desired that the Colonial Government should have the control of the operations in the manner settled by Lord Kimberley in 1870. In the Transkei Sir Bartle Frere was High Commissioner, but in the Cape Colony he was bound not to act without the advice of his Ministers. The Cabinet held that the war must be conducted by an officer who was responsible to the Colonial Government, Imperial forces co-operating so far as they might be able and willing. It was not possible for the Colonial Government to conduct the war with a General in command, an officer over whom they exercised no control, and who could not be displaced should they be dissatisfied with him. The General was responsible to the Home Government and clearly could not be so to the Colonial Government as well.

Mr. Molteno said :—

His Excellency the Governor has most properly drawn attention to the evils of a dual system of administration, which Ministers entirely agree with his Excellency in deprecating. They would observe that, the Government of the country being by the Constitution vested in a Governor and a Responsible Ministry, to hand over the control of the colonial forces and the conduct of military operations within or adjacent to the Colony to an officer not accountable to the Government of the country, and not in any way controlled by them, would be giving practical effect to dual government of the worst kind.

Either the Government of the Colony is responsible for the military operations conducted in the name and at the expense of the Colony, or it is not. If it is, then the officer conducting these operations, be his name what it may, must be under the control of that Government. If the Government of the Colony is not to be held responsible, and if the conduct of these operations is to be made over to the officer of the Imperial Government, it is manifest that there must be an entire reversal of the policy of the last few years, for which neither the Minister nor the Colony are prepared.¹

This question had been raised by Sir Henry Barkly when introducing responsible government. He asked 'whether the defence of the frontiers would still remain an Imperial duty, with which the Governor and officers commanding her Majesty's military and naval forces were alone competent to deal,'² and was answered by a most decided negative on the part of the Secretary of State. No troops were to be maintained permanently in the Colony except for Imperial purposes.

It would be impossible for her Majesty's Government to make such a separation as you suggest between the management of the internal forces of the Colony and the defence of its frontier against native tribes. Disturbances may easily arise amongst the natives within the borders of the Colony, which may extend to the native tribes beyond the frontier, and it is obviously impossible to divide the task of repressing such disturbances into two parts, for one of which the Imperial and the other the Colonial Government is to be responsible.³

¹ Paragraphs 11, 12, p. 30 of *C. P.*, A. 2—'78.

² See despatch of 28th October, 1870, *I. P.*, C—459, p. 54.

³ Despatch of Earl Kimberley to Sir Henry Barkly, 17th of November, 1870. *I. P.*, C—459, p. 66.

We may further refer to Lord Granville's despatch on the withdrawal of the Imperial troops, wherein he lays down that the force for the defence of the Colony is to be a local one under orders of a Responsible Ministry, as opposed to the personal control of a Governor over the Queen's troops in Natal,¹ while so recently as the 4th of January, 1877, Lord Carnarvon had reminded Ministers that it was for them to provide against native disturbances, one of those duties which of necessity devolved upon them when responsible government was established in the Colony.²

Had Sir Bartle Frere been acquainted with the history of the Colony he was sent to govern he would have known that this was the settled basis on which responsible government was introduced, and further that the responsibility for the defence and native policy of the Colony were in the same despatch unreservedly placed in the hands of the Colonial Government.

Sir Michael Hicks-Beach was apparently taken by surprise when he first heard from Sir Bartle Frere of his contention that the Imperial General should command all the troops and supported him until he had become aware of what had really been done, when he immediately and peremptorily informed him that he must revert to the proper practice, and that no Imperial troops, or Imperial officers even, were to be employed in the colonial operations. The whole of the country contemplated the withdrawal of the troops as being concomitant with and a consequence of the introduction of responsible government, and that the complete control of native policy was to be in colonial hands. This view was expressed even by Sir Philip Wodehouse, who said :—

If responsible government were established the troops should be at once withdrawn ; whether for payment or otherwise none of them should be left at the disposal of a Ministry over which the

¹ *I. P.*, C—459, p. 14.

² *I. P.*, C—1776, p. 4.

Home Government could not exercise any control, and against whose wishes the Governor could not oppose his own judgment.¹

Yet Sir Bartle Frere, in total ignorance, as usual, of the history of the question and the final decision of the Imperial Government, asserted as follows in answer to Mr. Molteno :—

I am the Commander-in-Chief of all the forces by simple virtue of my office, and the Imperial General is the proper executive officer for military purposes. The Colonial Government can only prepare the forces for the field ; they must then be handed over to the Imperial General, who is my executive officer.

It appears to me clear that the intention of the Constitution was, and is, that there should be one person—the Governor and Commander-in-Chief—in chief command of all military forces of every kind, colonial as well as Imperial, *performing all executive duties through a commander of the forces*, whose commission gives him power to command her Majesty's troops, and who may be empowered by the Governor and Commander-in-Chief to command colonial forces, formally declared to be in the field of his military operations.

The Governor, it appears to me, is the only person we can find intended by the Constitution to be the chief military executive, who can, *by simple virtue of his office*, command, at the same time, all forces of all kinds in the Colony.²

He thus denied the power of the Ministry to appoint a Commandant-General who was not under the Commander of the forces ; but was he correct ? Mr. Molteno's view was that the Governor acts solely by and with Ministers' advice ; should an emergency fraught with danger to the country arise, for which the law makes no provision, Ministers act on their own responsibility, and will be prepared to answer for their acts to that body whose representatives they are.³

This is sound constitutional doctrine and prevails in England and all Colonies possessing responsible government. It was submitted to the Cape Attorney-General, who said :—

My answer to the Governor's first question is that in my opinion the appointment of a Commandant-General to direct the

¹ I. P., C—459, p. 5, despatch of the 16th of July, 1867.

² Paragraphs 12 and 14, pp. 19-20, C. P., A. 2—'78.

³ C. P., A. 2—'78, p. 30.

action of volunteers and police engaged in the Colony in the suppression of rebellion is not illegal.¹

Sir Bartle Frere did not wait for this opinion. Even had he done so it is doubtful, looking to the way in which he acted contrary to the same official's opinion on martial law, whether he would have paid any attention to it.

When Mr. Molteno arrived on the frontier he found the position of affairs such as we have described, consequent upon the so-called relief of Impetu, which gave the Gaiikas confidence and hope, and necessitated immediate measures being taken against them. He now endeavoured, while co-operating with the military, to arrange for the forces who were coming forward under their own officers to be free of military control. As the Governor was High Commissioner in the Transkei, Mr. Molteno suggested that, the Imperial troops should occupy that district, and carry on the operations there, the Colonial Government giving them all the assistance they required in the way of mounted men and native allies, while the colonial troops should operate under their Commandant-General in the Colony.²

On the 11th of January Mr. Molteno informed the Governor by Minute that Commandant Frost and Commandant Schermbrucker would carry out active operations

¹ *C. P.*, A. 4—'78, p. 14.

² As proving that the course adopted with regard to military control being separate from colonial was assented to by the Governor we add these Minutes, to be found in *C. P.*, A. 21—'78, p. 7.

' 11th of January, 1878.

' I shall be glad to be informed, for Colonel Bellairs' guidance, whether either of these corps—the Tarkastad Burghers or Albany Volunteers—are to be placed under his orders.

' (Signed) H. B. E. FRERE.'

' King William's Town : 11th of January, 1878.

' It is not proposed to place either the Tarka Burghers or the Albany Volunteers under military control.

' The former will be attached to Commandant Frost's force, the latter to Commandant Brabant's force.

' (Signed) J. C. MOLTENO.

' To his Excellency the Governor.'

towards the Kei, while Commandant Brabant would clear the Kwelega valley, and finally join the other forces at the Kei mouth.¹ It may be observed that these officers had been commissioned by his Excellency, and no one had dared to suggest that they were under military control. Even the preceding Attorney-General (Mr. Upington) did not dare to suggest, when defending the Governor's action, that they should be placed under military control: 'I do not claim for her Majesty's officers the actual power to command these gentlemen.'

To this suggestion the Governor did not object, but said :

With reference to the intimation conveyed to me this morning by Mr. Molteno, that the Cabinet desired an operation on this side the Kei, to be trusted exclusively to colonial officers and colonial forces, unfettered by any co-operation or control from her Majesty's officers and forces, I should be glad to be informed with as little delay as possible, for the information of the military authorities, whether it is desired that her Majesty's forces at any of the stations in the vicinity in the operation referred to should take any, and what part, in these operations.²

He referred however the proposed plans of operations to his military adviser, Colonel Bellairs, who evidently did not relish the idea of the colonial forces showing the way, and who predicted, as did Sir Arthur Cunynghame in the case of Commandant Griffith's operations in the Transkei, nothing but disaster.

Thereupon the Governor said he would not take the responsibility of these actions.

I trust that the moves ordered by the Colonial Government without any concert with the military authorities may succeed, but on behalf of myself and all her Majesty's forces I must decline the responsibility for the result.³

To this the Ministers replied that they took the responsibility, and would answer to the Colonial Parliament, the proper authority to whom they were responsible, unless, of course, the Governor desired to veto these operations.

¹ C. P., A. 2—'78, p. 9.

² *Ibid.*

³ C. P., A. 2—'78, p. 11.

While this was taking place long conversations with the Governor were proceeding, and on the 12th Sir Bartle Frere addressed a letter to Mr. Molteno as follows :—

(Private and Confidential.)

I am very anxious there should be no mistake as to the results of our long and very important conversation yesterday.

Will you be so kind as to run your eye over the note I made, and let me know whether it accurately represents the conclusions you expressed to me ?

The memorandum ran as follows :—

(Confidential.)

(1) There is a strong impression in the Colony that the conduct of military operations has been entrusted too exclusively to military men, and that the management of affairs has passed too much from the hands of the Colonial Ministry into those of officers of her Majesty's service in whose ability to manage them efficiently and economically the Colony has less confidence than it has in its Ministers.

(2) That the result of this feeling has been to impede a ready response to the call for reinforcements.

(3) That Ministers are quite competent themselves to do with colonial forces all that is now required to restore peace and order to the Colony.

(4) That to enable them to do this it is desirable that the operations of her Majesty's forces should be confined to the Transkei, leaving operations in the Colony entirely to colonial forces under the direct control of the Ministry.

(5) That the reinforcements of her Majesty's troops asked for by the Governor in his communications with the Secretary of State for the Colonies are not needed for any colonial purpose in this Colony.

(6) That Commandant Griffith should be brought back as soon as possible to this side the Kei, for duty under the direct control of the Colonial Government.

The Governor accepted Mr. Molteno's assurance of the colonists' opinion on the 1st, 3rd, and 5th propositions, giving at length his reasons for not agreeing with them in their opinions and conclusions.

The Governor was ready to accept the 4th and 5th propositions, with the proviso that the Colonial Government was able to raise, within a reasonable time, sufficient colonial forces to suppress the rebellion, and prevent its spreading, a point on which the Governor expressed his strongest doubts.

The Governor also pointed out that her Majesty's troops must maintain their present positions at King William's Town and on the Kei road, in order to secure the communications of her Majesty's forces, Transkei.

The Governor expressed an opinion that no time should be lost in summoning Parliament for the despatch of business.

Mr. Molteno assented, without binding himself to any precise time, expressing strongly the opinion of the Cabinet that the Governor should return as soon as possible to the capital. That this duty was paramount, and should be attended to in preference to any cause connected with the conduct of military operations on the frontier.

The Governor expressed his strong desire to return to Cape Town as soon as the rebellion was suppressed and order restored in the eastern province; but whilst his presence was considered desirable by the military authorities he did not think it could be consistent with his duty to leave the frontier.¹

It will be observed from this that Mr. Molteno, who now heard for the first time of the Governor's request for more troops, had requested him to countermand it, and had urged him with all the power he could command to return to Cape Town. But the Governor considered that the military were his advisers on this point and not the Ministers, and so long as they desired his presence he did not think it consistent with his duty to leave the frontier. He seemed to think that the advice given him by his Cabinet ought to be subjected to the criticism and subordinated to the opinions of the Imperial military authorities.

It was a very extraordinary course to write down the result of these conversations, and Mr. Molteno at once took objection. Sir Bartle Frere had pursued a similar policy with the Ministers present with him on the frontier to the extent of addressing informal memoranda to them of which their colleagues were unaware. Mr. Molteno, however, could not consent to continue this mode of communication, and the following correspondence took place :—

¹ C. P., A. 2—'78, p. 11.

On the 12th of January, 1878, Mr. Molteno wrote to Sir Bartle Frere :—

(Private and Confidential.)

In reply to your note on the subject of our conversation yesterday, I cannot help thinking that it will be exceedingly inconvenient to introduce so entirely new and novel a mode of procedure as that of reducing to writing, and personally placing on record, conversations necessarily of so confidential and delicate a character as those in many cases must be which take place between the Governor and Prime Minister of the Colony. As to any action to be taken resulting from such conversations, formal minutes always follow, and the usual practice has not in the present instance been departed from.

Several matters were, no doubt, alluded to during our conversation, but only incidentally ; and the time for placing anything on record regarding them has not yet arrived.

Let me assure your Excellency that my desire to adhere to a course which has hitherto been found to work well, and a fear that any departure therefrom might lead to a lessening of that freedom and confidence in the exchange of opinion between her Majesty's representative and myself, which has always happily prevailed during my tenure of office, alone prevents my acceding to your Excellency's request.¹

To this the Governor replied :—

(Private and Confidential.)

14th of January, 1878.

I only received this morning your note of the 12th, marked 'private and confidential,' returning the note of the results of our conversation on the 11th, which I had sent to you to ascertain whether it accurately represented the changes in policy, and in the mode of carrying on business connected with military operations, on which you told me the Cabinet had resolved.

The only object I had in sending you the note was to make sure that I had rightly understood the very important communications you made to me in a conversation of three or four hours' duration.

I think you will find the practice of noting the results or conclusions of both parties to long conversations on important subjects is almost universal between men of business, or official persons, when the interlocutors are, as in my case, anxious to be accurate in their conception and recollection of the conclusions stated by either party.

If you dislike the practice I shall, of course, not trouble you

¹ C. P., A. 2—'78, p. 12.

again in the same way ; but in that case you will, I trust, acquit me of any want of due care or precaution to guard against any misunderstanding of what either of us may say or mean on subjects of such importance.

In the present case, as you do not note any inaccuracy, I shall take it for granted that my recollection of what you conveyed to me as the conclusions of the Cabinet was accurate.¹

Mr. Molteno replied immediately :—

(Private and Confidential.)

I am in receipt of your note of this day's date in reply to mine of the 12th, marked 'private and confidential.'

I think your Excellency will find that no note is ever made of what takes place in Cabinet Council, somewhat analogous to the conversation alluded to, but, of course, no practical difficulty can now arise from any difference of opinion between us in this respect.

I quite understand and appreciate your Excellency's desire to take due precaution to guard against any misunderstanding of what either of us may say or mean on subjects of importance. But in the present case I wish to guard against the fact of not noting any inaccuracy in the note which you forwarded to me, as your Excellency's recollection of what passed between us, necessarily being taken to imply the reverse. The cursory glance I took at it produced the effect on my mind that it only very partially met the case.²

And Sir Bartle Frere rejoined on the same day :—

(Private and Confidential.)

I have just received your note of this date. I will not take up your time by discussing the practice of Cabinet Councils. I will only say that I know of no other way than that I adopted in which two men can talk for four hours on very important subjects, and make sure that they have accurately understood each other's conclusion.

In this particular case, as you only took 'a cursory glance' at a paper which I gave you, which I told you I regarded as a very important one, and left with you for as long as you pleased to keep it, begging you to read it carefully, I am not surprised that you misapprehended its object.

But if that cursory glance showed you it was either inaccurate or defective I wish you would point out the inaccuracies and defects. The subjects are most important, and I do not wish to misunderstand what you told me the Cabinet had decided regarding them.

¹ *C. P.*, A. 2—'78, p. 13.

² *Ibid.* p. 13.

That the slackness of colonists to answer the call for reinforcements was due to an impression that the management of affairs had been left too much to the military; that as a remedy you proposed to exclude the military from all active share in the operations of the Colony; that you did not wish her Majesty's troops to be at once withdrawn from the Colony, but simply to remain inactive where they are, till relieved by colonial forces; that you were well assured that the colonial forces actually coming up were ample for these purposes; that you wished me to countermand any demand I had made to her Majesty's Government to send out two regiments in anticipation of the usual reliefs, and to prepare the Secretary of State for the entire evacuation of the country by her Majesty's troops; that for the more vigorous prosecution of measures to suppress rebellion you would abandon the plan of united action under one head, which we have hitherto followed here since the first outbreak; that the Colonial Cabinet should undertake the management of all colonial forces entirely uncontrolled by any reference to military authority; these were some of the important conclusions at which in our conversations on Friday and Saturday I understood you to say the Cabinet had arrived, and regarding which I was naturally anxious I should be under no mistake, more especially as I must address the Secretary of State on the subject by next mail.

As regards the mode of action, indeed, I had practical proof of the change of system I understood you to say you had determined on. When you arrived here two important movements—Frost's and Brabant's—were in contemplation, both under the exclusive direction of Mr. Merriman, who gave us what information we possess on the subject. The information, however, we have regarding both is so vague and defective that useful co-operation is almost impossible, and does not seem to be desired, as no apparent attempt is made to supply defects of mounted and native levies, which must be supplied if the detachments of her Majesty's troops are to be actively utilised; and Frost's operations are, I believe, proceeding under defective conditions of co-operation, which I have warned you I think likely to lead to disaster, though of course they may succeed.

I am sorry to trouble you at such length, but the subjects are far too important to be dealt with cursorily, and I trust you will give what I have written more than a 'cursory glance.'

I am bound not to misunderstand you. I am bound to tell the Secretary of State any change in contemplation so important as the evacuation of the Colony by her Majesty's troops, or any change which has taken place so momentous *as the exclusion of*

the colonial forces from military command, and the substitution of many leaders and generals and plans of operation for one.

And I am bound, when I see danger from such changes, to warn you of it, though I do not wish to dictate in any way as to the course your duty to the country requires.¹

When these papers were subsequently produced by the Governor without Mr. Molteno's consent, the latter again protested against private and confidential communications being made public by one party without the consent of the other. Sir Bartle Frere's views were quite unconstitutional and appear to have arisen from his ignorance of constitutional government.

On the 12th Mr. Molteno enquired what positions the General would occupy, so as to free the colonial forces for active operations.² To this the Governor replied that

the General could not garrison posts, Transkei, till the line of railway from East London to Kei Road, and all along that road to Toleni, is held by forces at least equal in number and composition to the troops which at present hold it.

Mr. Molteno submitted on the 19th a very courteous memorandum, making certain proposals which for the present were to be regarded merely as of

a tentative character, subject in all respects to such modifications and alterations as may be considered by your Excellency and the General desirable or necessary, *the principle not being lost sight of, in so far as may be found possible, of separating the command and direction of colonial forces from that of her Majesty's troops; the former being under the direction of the Colonial Commandant-General.*³

He informed the Governor that the Colonial Commandant-General agrees with the Imperial General as to the positions in the Transkei to be occupied by Imperial troops. In regard to the requisitions of the General for mounted men—his requirements being placed at 290 mounted men—Mr. Molteno proposed to assign to him 300 men of the

¹ C. P., A. 2—'78, p. 14. ² C. P., A. 2—'78, p. 15. ³ *Ibid.* p. 16.

'F. A. M.' Police, while the lines of communication and the base would be occupied as desired by troops of the character required by the General, and he added :—

I feel very sensible of the kind and cordial manner in which Sir Arthur Cunynghame has responded to the enquiries and suggestions made by me through your Excellency; and it is hardly necessary for me to add that the only object that the Colonial Government has in view *is that of working cordially and harmoniously with the military authorities in all respects*, and that there is certainly no desire at the present moment on the part of the Colonial Government to raise or discuss any question as to the evacuation of the Colony by her Majesty's troops or any portion thereof, *otherwise than it might possibly be considered necessary by the General to strengthen positions in Galekaland.*

Should these proposed arrangements be decided upon, certain alterations will become necessary in the position of military arrangements within the colonial boundary, including *a withdrawal from military control* and placing under the Commandant-General all colonial forces.

This by no means *implies that cordial co-operation is not expected to exist between those in command of her Majesty's troops and the Commandant of colonial forces*, but would rather be facilitated than otherwise by such arrangements.¹

But the Governor did not accede to this proposal, and without answering it in his reply went into the position of the Commandant-General, and asked Mr. Moltano whether he was to be under the General as well as the Governor.² To this Mr. Moltano replied on the 22nd of January :—

For the present, subject, of course, to any alterations Parliament may determine upon, it is proposed that Mr. Griffith as Commandant-General shall take command of all colonial forces, police, burghers, and volunteers, and be under the sole control and direction of the Colonial Government.

The Governor has no special powers over colonial forces as Commander-in-Chief, but as Governor of the Colony acts in exactly the same manner with regard to colonial forces as he does with regard to any other colonial matter.

Mr. Moltano proposes no other arrangements than those set forth in his memorandum, both with reference to the Colony and the Transkei.³

¹ *Ibid.* p. 16.

² *Ibid.* p. 17.

³ *Ibid.* p. 17.

When Mr. Molteno said 'Colonial Government' it was, of course, understood that the Governor would direct the Commandant-General under the advice of the Cabinet, as shown by the third paragraph of the above memorandum. This term was the usual one employed between the Imperial and Cape Government in this connection. In his despatch Earl Kimberley, writing to Sir H. Barkly, Nov. 18, 1878, expressly uses this term 'Colonial Government' as the authority responsible for the conduct of a native war.¹ Mr. Molteno's memorandum embodied absolutely sound constitutional law as defined by the successive Secretaries of State and as embodied in practice before and since.

To this Sir Bartle Frere replied in a long memorandum dated January 26th,² in which he stated that the measures proposed in Mr. Molteno's minute for the suppression of the rebellion and the summoning of Parliament appeared to him too violent, impractical, unconstitutional and illegal; that the Colonial Government had no military powers without reference to the Commander-in-Chief or the general officer commanding in the field; in fact, that the Colonial Government had no military machinery at all and could only act through the Imperial General. Then he leads up to his own view that the Governor, as Commander-in-Chief, acts through the General commanding the Imperial forces.

Were this view correct it would, of course, involve the proposition that the Colonial Government could conduct no military operations whatever on its own account, but that all operations must be conducted through the Imperial General.³ This would set aside the injunctions of Lord

¹ I. P., C—459, p. 66.

² C. P., A. 2—'78, p. 19.

³ Sir Bartle Frere was wrong in assuming that his commission as Governor and Commander-in-Chief gave him *ipso facto*, and by virtue of this title, command of the Colonial forces in the absence of local statutes conferring this upon him. Even in regard to her Majesty's troops it is an established rule that the Governor of a Colony, though bearing the title of Captain-General or Commander-in-Chief, is not, without special appointment from her Majesty, invested with the command of her Majesty's troops in the Colony. He is not

Kimberley and Lord Carnarvon, which placed upon the Colonial Government the responsibility for its own defence

entitled to take the immediate direction of any military operations, or, except in cases of urgent necessity, to communicate officially with subordinate military officers. (See revised regulations for the Colonial Service published in the *Colonial Office List* for 1892, pp. 301-315.)

When military operations have been determined upon, and their object and scope have been definitely decided, the responsibility and all details of their conduct rests solely with the officer in command of the troops. These regulations, it is expressly stated, hold good though the Governor may be a military officer senior in rank to the officer commanding the forces.

We have seen that Sir Bartle Frere considered himself indispensable on the frontier for the actual conduct of military operations, and that he actually interfered with the details of these military operations, both in regard to the landing at Mazeppa Bay and the mode of conducting the Transkei and subsequent Gaika campaigns. (*C. P.*, A. 24-'78, pp. 7, 12, 22, 23, and 26.)

Looking to the practice established in other colonies, in Victoria the Governor exercises no more authority in military business than he does in the routine of any other department of local administration. (*Todd's Parliamentary Government in the British Colonies*, 2nd edition, p. 377.)

In Canada the Imperial authorities control the Queen's regular army or navy whilst serving in Canada, whilst the disposition and management of local forces are regulated by the Governor-General with the advice and consent of his Privy Council or Cabinet (*Todd's Parliamentary Government in the British Colonies*, 2nd edition, p. 377); while in 1875 there was established an officer in whom was placed the military command and discipline of the local forces, the duties of this officer being analogous to those performed by the Commander-in-Chief of the British army, being in like manner subordinate to the civil power, and subject to the direction of the Governor-General through the Minister of Militia and Defence.

Sir Bartle Frere was equally at sea in regard to the control of Imperial troops by the advice of local Ministers. There is absolutely no authority for such an extraordinary proposition; indeed, all the authority was in the opposite direction. On several occasions Sir Gordon Sprigg stated that there was no distinction between the Imperial and Colonial troops; both were equally subject to the Colonial authorities. Can it be possible that a Government of England could be found that is prepared to make such an arrangement? It is certain that as soon as a difficulty arose which would call these forces into action the British people would not allow it to continue. No Government of Great Britain would dare to announce to her people that her troops were engaged in a Colonial war in whose management and operations the Government had no responsibility, had nothing authoritative. Such an arrangement would make Great Britain and not the Colony the dependency. Sir Bartle Frere and Sir Gordon Sprigg were deceiving themselves when they cherished the belief that the Imperial troops stood in precisely the same relation to a Colonial Responsible Ministry as forces purely Colonial in their action and object. And the Imperial Government, as a matter of fact, took good care to correct Sir Bartle Frere on this point, after the conclusion of these operations. (*See I. P.*, C—2740, p. 103.)

Her Majesty's Government, after discovering what Sir B. Frere had really

and for the conduct of native wars, whether within or without the Colonial boundary, and in express terms independently of the Imperial General. Sir Bartle further insisted that the Governor was the only officer who could, 'by simple virtue of his office, command at the same time all forces of all kinds in the Colony.'¹

Here the Governor was misled by his commission as Commander-in-Chief, which he erroneously supposed gave him an inherent right to command the Colonial troops irrespective of Colonial statutes. This of course was not so. When the Burgher Act, under which the burghers were now fighting, was passed there was no responsible government in the Colony, and the Commander-in-Chief was mentioned as the officer in chief command; but since responsible government had been introduced the Governor could only act with the advice of his Ministers, and the Governor's absolute power as Commander-in-Chief then disappeared.

Sir Bartle Frere then made a statement as to what he considered Mr. Molteno proposed, but in so doing distorted Mr. Molteno's proposition. He stated that the Commandant-General proposed by Mr. Molteno was to be supreme over all Colonial forces, entirely independent of all control or

done, went back on Sir M. Hicks Beach's approval of his action, and on the conclusion of the Transkei war informed Sir B. Frere that the duty of defending the Colony against native enemies should be provided for by Colonial forces. It even approved additional restrictions on the employment of her Majesty's forces in the Colony which were proposed by Sir G. Wolseley, '*which went the length that under no circumstances should any officer or man of her Majesty's forces in South Africa be permitted to assist the Colonial Government in organising their measures of self-defence, or in suppressing any disturbance among the native tribes, without the previously obtained special sanction of her Majesty's Government.*' This was absolutely to negative the positions advanced by Sir B. Frere, who told Lord Kimberley in complaining of these regulations that they were the exact reverse of the principle 'which had been carefully and repeatedly maintained, that any military operations which might be necessary should be under the control and direction of the officer commanding her Majesty's forces in the Colony.'—Letter of Sir B. Frere to Lord Kimberley in acknowledgment of his despatch of the 14th of October, 1880, *I. P.*, C—2740, pp. 9, 10, 108.

¹ See pp. 25-27, and 54 and 66 of *I. P.*, C—459.

subordination to the Governor or any other executive, military, or civil officer recognised by Parliament or the Constitution. Mr. Molteno had not proposed that he should be independent of the Governor. He was to be subordinate to the Governor, who in any instructions to him must act with the advice of his Cabinet and not by virtue of his office as Commander-in-Chief solely.

The Governor went on to say that he would be abdicating the powers and duties entrusted to him by her Majesty's Commission and delegating them to some one else, and thereupon he urges Mr. Molteno to take the opinion of the Attorney-General, should he have failed to convince him of his argument. It is hardly necessary to add that the Attorney-General's opinion, when received, was adverse to the Governor's contentions. He then described how he had proceeded previous to Mr. Molteno's arrival on the frontier, with what he calls 'a legal quorum of the Executive Council,' a term and a body utterly unknown to the Constitution.¹ He believed that a dual command would result in difficulties, but would give his support to any well-considered plans which Ministers might lay before Parliament for the defence of the Colony, though he could not see that this object would be in any way promoted by simply removing her Majesty's troops into the Transkei and leaving the Colony to be defended by the police and the colonial forces. Lastly, he recapitulated the conclusions at which he had arrived:—

1. That the command of all forces in the field legally and by the Constitution rests with the General Officer commanding her Majesty's forces, when empowered by the Governor as Commander-in-Chief to assume command of colonial forces so employed.

2. That the appointment of a Commandant-General to command colonial forces in the field independent of the General Officer commanding her Majesty's forces, empowered as above by

¹ See Todd, *Parliamentary Government in England*, 2nd edition, vol. ii. p. 5.

the Governor and Commander-in-Chief, is at present illegal and unconstitutional.

3. That his acts and the acts of those who obey him will be illegal, and will not be covered by any Act of Indemnity passed to absolve from penalties all who act as military taking part in military operations in the field.

4. That the only legal and constitutional way for Government to avail themselves of the services of the Commandant-General is to continue the system followed when Commandant-General Griffith was commandant of police, viz. that he should act in the field under the general control of the General commanding the forces, and that all colonial forces ready to take the field should from time to time as they go to the field be formally placed by the Colonial Government under the General's command for this purpose.¹

He added that the movements in the Transkei, indicated by Mr. Molteno as desired by his Cabinet, *since they were in accord with Sir A. Cunynghame's views*, would be carried out. It will be observed that Sir Bartle Frere places the advice of the General before the advice of his Ministers, and this he does continually, submitting Ministerial advice and plans to the military officers, though the Ministry were being advised by their own military adviser, the Commandant-General. So far as the Transkei was concerned this course was, perhaps, legal and constitutional, though even here there is a doubt, owing to the employment of colonial troops in aid of the military, but in colonial matters he had no right to subordinate his Minister's advice, by which alone he could act, to the General, an officer entirely unknown to the Colonial Constitution and irresponsible to the Colonial Parliament.

It will be convenient to here give the reply of the Attorney-General to the points raised by the Governor :—

In my opinion the Governor's commission as Commander-in-Chief places under his control all her Majesty's troops stationed in this Colony, but does not give him any power as Commander-in-Chief over the frontier armed and mounted police, the volunteers,

¹ Paragraph 84, p. 22, C. P., A. 2—78.

or burghers. Over these colonial forces he has no greater authority than is vested in him by the various Acts of Parliament under which they are embodied; and the powers so vested in him by these Acts he cannot now constitutionally exercise except with the concurrence and under the advice of his Ministers. Consequently the Governor cannot, except with the consent of the latter, embody the colonial forces with those of her Majesty. Upon the question whether it is advisable to have two independent armies under separate commanders, acting without a common plan at the same time in the same field, I am not asked to give any opinion; but I imagine that Mr. Molteno's views in this respect have been misapprehended. Every person is empowered, by the law of the Colony, to arrest any person guilty of a serious crime, and under certain circumstances is even bound to do so. Should the person he so attempts to arrest resist or flee he can kill him. There is, I think, no doubt that a body of men, acting in concert, may lawfully undertake the duty of arresting, and in case of resistance kill, malefactors. They may, in my opinion, act under the direction of a leader chosen by themselves, and therefore they legally act under a police officer, magistrate, or other person appointed by Government. My answer to the Governor's first questions is that, in my opinion, the appointment of a Commandant-General to direct the action of volunteers and police engaged in the Colony in the suppression of rebellion is not illegal.

In answer to the second and third questions, I consider that persons who have arrested or killed criminals under the circumstances before indicated need no act of indemnity or warrant.¹

The Governor did not await the arrival of this opinion before going to the extreme length of dismissing his Ministers for tendering the advice which the Attorney-General held to be legal and constitutional, and which her Majesty's Government, after the Transkei war was over, informed Sir Bartle Frere must be the rule for the future—namely, that no Imperial troops were to be employed in native wars, and not a single officer or man without the previously obtained sanction of her Majesty's Government.²

As soon as Mr. Molteno read the Minute of the 26th he said it admitted of only one reply, which was his resignation. For this apparently the Governor was not at the moment

¹ *C. P.*, A. 4—'78, p. 14.

² *I. P.*, C—2740, p. 103.

prepared ; he declined to bind himself to a positive opinion as to the position he had taken up, and wished for information, stating that he considered Mr. Molteno's Minute and his memorandum as preliminary discussions. He had not the Attorney-General's views as to the legality of the position he had taken up, but he suggested that these matters should be referred to that official. Mr. Molteno, as we have shown, was extremely unwilling to resign, while the war was raging ; a change of Ministry must inevitably cause a prolongation of the war, with consequent loss and suffering, and he consented to this course, feeling confident that the Attorney-General must advise in accordance with his views.

Mr. Molteno drew up the following memorandum in reply, and he read it to the Governor on the Monday following, January the 28th :—

Want of time, under present circumstances, prevents my giving any lengthened reply, even did I consider myself qualified, from a legal point of view, to do so ; but no time will be lost in transmitting the memorandum to the Attorney-General, with a request that he will be so good as to furnish me with such remarks as he may deem necessary for his Excellency's information and guidance.

In the meantime, and until better informed, I beg most respectfully to intimate to your Excellency that I hold the following opinions, and consider it my duty to act up to them :—

1. That in all matters and things connected with the Government of this Colony, without any exception whatever, your Excellency is constitutionally bound to act only by and with the advice of your responsible Ministers.

Your Excellency cannot constitutionally lay claim to any special powers as Commander-in-Chief over the Government or people of this Colony. Your commission as Governor includes every power you possess, and you have no power outside or beyond it.

Should your Excellency decline to act by and with the advice of your Ministers, there is only one constitutional course open to your Excellency. Your Excellency is in error in supposing that you have any power over the people of this Colony, whether assembled in arms at the call of its Government for the Colony's defence or otherwise, than those powers you exercise as Governor,

and in the exercise of which you are bound to act by and with your Ministers' advice. Your Excellency has been informed that your Ministers are of opinion that for the successful defence of the Colony they do not consider it advisable that the colonial forces should be placed under military command and control, and that they believe if such were attempted at the present time it would create great discontent and tend to paralyse their exertions and usefulness.

That being most anxious to secure the co-operation of her Majesty's troops at the present juncture, it has been your Ministers' earnest desire to sketch out and place before your Excellency such a plan as would secure this most desirable object, without at the same time interfering in the least with that perfect freedom of action your Excellency possesses over the disposition and movements of her Majesty's troops, subject only to the usual information being furnished to the Colonial Government as to their proposed movements and disposition, and thus giving the Colonial Government the opportunity of informing your Excellency as to how such movements would tend to promote colonial interests, to be acted upon or otherwise as, in the exercise of your Excellency's discretion as above, holding the power over her Majesty's troops, may seem desirable.

The memorandum of the 26th had been read on that same day, a Saturday, at a meeting of the Executive Council. It was too long to telegraph, Sunday intervened, and on Monday it was despatched to the Attorney-General, Mr. Stockenstrom, accompanied by the following letter, which serves to bring out what was the chief point of disagreement between the Governor and Mr. Molteno :—

I send you the enclosed memorandum, received from the Governor on Saturday, which you must read in connection with my two memoranda forwarded a few days ago through Dr. White. I was a good deal annoyed at receiving it, because, from the course things had taken the last few days, I had rather arrived at the conclusion that the Governor had virtually assented to my proposal, and had given up the idea of drawing up a memorandum as to legal points raised in his mind, and which he had intimated he wished submitted to you for the purpose of ascertaining your legal opinions.

I saw him this morning, and plainly intimated to him that I held the following opinions, and considered it my duty to act up

to them : viz. that in all matters and things connected with the government of this Colony, without any exception whatever, the Governor is constitutionally bound to act only by and with the advice of his Ministers, that he cannot constitutionally lay claim to any special powers as Commander-in-Chief over the Government or people of this Colony, that his commission as Governor includes every power he possesses, and he has no power outside or beyond it, that should he decline to act by and with the advice of his Ministers there is only one constitutional course open to him, that he had been already informed of the opinion of Ministers as to colonial forces being placed under military command and control, and that if he held contrary opinions I did not see how it was possible for us to continue to hold our positions ; he, however, declined binding himself to positive opinions, wished for information, considered my memorandum and his reply as not formal communications to Ministers, but preliminary discussions, &c. &c. This will give you an idea of what has passed, and then no doubt your legal opinion will dispel many erroneous ideas.¹

On the 1st of February Mr. Molteno telegraphed to his colleague at Cape Town, Dr. White :—

Important documents sent to Attorney-General on Monday ; they ought to reach to-morrow. No doubt time will be necessary for full remarks on legal questions, but it is important I should receive by telegram, if possible, some idea as to what his opinions are.

The letter with the memorandum could only arrive at the earliest on the 2nd of February. It did not arrive, as we know, until the 4th.² The Governor followed up his memorandum of the 26th by another long minute drawing attention to a letter from Sir A. Cunynghame, to whom he had transmitted the several communications which had recently passed between the Governor and his Ministers. It was only natural that the General should take the view urged by the Governor, as he was to be put in command of all forces, and was also to be reinforced from home, if Sir Bartle Frere's views could prevail. In this letter the

¹ Letter from Mr. Molteno to Mr. Stockenström, 28th of January, 1878.

² See p. 14, C. P., A. 4—'78.

General takes his cue from the attitude now assumed by the Governor towards his Ministers, and makes some remarks of an extremely improper character. He says:—

I am entirely irresponsible for these operations, but as they appear to me not to possess any authority by law, so I should imagine that a commission will be sent by order of her Majesty's Government to inquire into these proceedings, into the slaughter and distress which they involve, and that those who carry them out and those who direct them will be called to a rigid account by order of the Imperial Parliament to show the authority by which they act.¹

In this memorandum the Governor stated that he considered it absolutely necessary that one authority should command all military forces in the eastern districts and the Transkei; and that the Imperial troops, while serving in the Colony, were subject to the authority of a Governor and Commander-in-Chief, who was bound on all questions affecting the Colony to hear the advice of his responsible advisers, and not to act in opposition to such advice without valid reasons which he was bound to record.² And as to the Commandant-General, he says it never occurred to him that he was to be 'independent of the ordinary military authorities,' and further that the Commandant-General has no power to act as a military officer, and indeed all who obey him were running the risk of legal penalties for carrying out illegal orders; while the proceedings which the Commissioner of Crown Lands was carrying out appeared to be illegal.

The fact was that the operations of which he had been advised on the 11th of January, and which the military authorities had predicted would be a failure, had been carried out with complete success, and it was extremely probable

¹ C. P., A. 2—'78, p. 26.

² The Imperial Government made short work of this theory of Sir B. Frere as soon as they became aware of his contention. See his reply to despatch of the 14th of October, 1880, *I. P.*, C—2740, p. 108

that the whole war would be over in a very short time, as indeed the Governor confessed when he says :

The enemy, Gaikas as well as Galekas, appear thoroughly crushed and dispirited, and apparently all that is needed is actively to hunt up the broken bands of the enemy now scattered about the country, a service of police rather than military, for which the large reinforcements of volunteers and burghers which Mr. Molteno expects will, he assures me, be sufficient.¹

Sir Bartle Frere appeared to be anxious lest the reinforcements which he had asked for, and which might soon now be expected to arrive, should be quite unnecessary.

¹ *C. P., A. 2—78*, p. 21.

CHAPTER XXIX

THE DISMISSAL. 1878

Relations between Governor and Ministry—Governor suddenly summons Cabinet Council—Mr. Molteno protests—Governor asks for more Imperial troops—Mr. Molteno refuses assent—Violent Crisis—Cabinet Council of February 2nd—Dismissal thereat—Letter of February 6th repeating Dismissal—Unconstitutional action of Governor—Ignorance of Constitutional Law—Questions at issue—Governor ignorant of Colonial History—His contentions upset by Secretary of State—Mr. Molteno's speech on Dismissal—Constitutional Principles involved—Disastrous results of Sir Bartle Frere's Dictatorship—Todd's account of Dismissal discussed.

WHEN the Governor found on the 26th of January that Mr. Molteno was not prepared to give way, he was for the moment taken aback, and gave no indication of a desire to press his views on the constitutional question ; but when it became clear to his mind that the latter was not to be moved from his position, he seems to have reviewed the situation. It was impossible to shake Mr. Molteno as to the inexpediency of Confederation.

This attitude on the part of the Prime Minister presented an insuperable obstacle to the fulfilment of his mission to South Africa. Was not this an excellent opportunity of getting rid of the Ministry, which Lord Carnarvon had himself attempted, but failed, to dislodge? He was aware that Lord Carnarvon would fully support him in any steps he might take in this direction.

His views as to the management of the natives, as to disarmament, and as to colonial defence had proved widely divergent from those of Mr. Molteno, while, to crown all, the latter refused the aid of the Imperial troops, whose presence

in South Africa Sir Bartle Frere desired for his own ulterior designs on Pondoland and Zululand. With such a trump card as the use of the Imperial troops, against whose withdrawal the Eastern Province, and the Colony generally, had protested so strongly from 1867 to 1871, and with the aid of Mr. Sprigg, who had exchanged views with the Governor in December, he could see a prospect of success with the colonial public in sustaining his action. The weight and prestige of the office of Governor and High Commissioner would naturally be thrown into the scale of parties. When backed, as it would now be, by the prestige connected with the control of large numbers of Imperial troops, it was most likely that this combined effect on a colony which had only received responsible government five years before would be such as to give him sufficient support in the local Parliament to endorse his high-handed action. Yet he was dismissing Ministers, who even in his own view, as he told a deputation at King William's Town on the 23rd of December, possessed the confidence of a majority in Parliament.¹

While the question as to the powers of the Governor over the colonial forces was still under the consideration of the Attorney-General,² the Governor suddenly, at 6 P.M. on the 31st of January, intimated his intention of holding a Cabinet Council upon the following day. Mr. Molteno had not previously received, as he should have done in accordance with invariable custom, any intimation verbally or in writing from the Governor as to his intention that a meeting of the Executive Council should take place, and was kept entirely in the dark as to the business which the Governor intended to bring forward. In consequence there was no opportunity of previous consultation with his colleagues on the spot, or with those at the capital, as a preparation for any

¹ 'I am still of opinion that Ministers enjoy a substantial majority in Parliament' (Report of Sir Bartle Frere's speech in *Argus*, the 1st of January, 1878).

² See vol. ii. p. 322, *supra*.

business which the Governor might wish to bring forward.¹ The meeting was held on the 1st of February. The Executive Council Minutes and records were all in Cape Town; the clerk was in the same place, and Mr. Lyttleton, the Governor's private secretary, acted for him, to which facts the imperfect character of the records is probably due.²

The Governor stated that he had summoned the Council for the purpose of discussing the Minute of the 31st of January, which had been sent up the afternoon of the previous day, and of hearing a statement which the General had to make. He then introduced the General to the Cabinet. This was an utterly unconstitutional proceeding on the part of the Governor, and Mr. Molteno protested against it.

The Governor tells Lord Carnarvon³ that his object was to secure 'the attendance of all three Ministers, and ensuring that they had all seen and understood what I had entrusted to Mr. Molteno to convey to them.' This was utterly and entirely unconstitutional. There is no principle of constitutional government clearer than that the Cabinet has the right to deliberate in private.⁴ It was discourteous in the highest degree to treat the Premier in the way the Governor had done already: to ask him to discuss the question involved in his Minute, in his presence, and in that of the General was without precedent in constitutional government.⁵

¹ *C. P.*, A. 2—'78, p. 27.

² See *C. P.*, A. 21—'78, p. 1. No. 2 was never produced.

³ *C. P.*, A. 4—'78, p. 10.

⁴ Todd, *Parliamentary Government in the Colonies*, 2nd edition, pp. 11 and 42.

⁵ Sir B. Frere's attempt to divide the Cabinet, which he carried as far as to receive advice from single Ministers without the knowledge of their colleagues, was equally unconstitutional. Compare his use of Mr. Brownlee's memorandum on the use of Imperial troops, and see Taswell-Langmead (*English Constitutional History*, p. 567), quoting Mr. Gladstone, who says, 'While each Minister is an adviser of the Crown the Cabinet is an unity, and none of its members can advise as an individual without, or in opposition, actual or presumed, to his colleagues' (*Gleanings of Past Years*, pp. 225, 226, 235, 241-244).

Mr. Molteno handed in a protest recounting the particulars of the mode in which the Council had been summoned, and stating that he desired to place on record that this was the first instance since the introduction of responsible government of the Governor of the Colony summoning a meeting of the Executive Council without previously intimating his desire to do so to the Prime Minister, or at the express request of the latter, or, during his absence from the Colony, of the Minister acting on his behalf.¹ The Governor replied that it rested with himself to summon the Executive Council,² and asked when Ministers would be ready to discuss his Minute. Mr. Molteno felt himself unable to specify any date; he had been unable to consult his colleagues. He had referred the questions at issue to the Attorney-General, and a Minute just received on the afternoon of the previous day would also require consultation. Moreover, he was entitled to consult his colleagues in private and not before the Governor. Matters were at a deadlock, and the Cabinet was adjourned until the following day.³

Mr. Merriman gave a graphic account of this meeting in his speech in the Dismissal debate:—

When we received that Minute we felt at once that for the first time a serious difference had arisen; I thought everything was going as merry as a marriage bell till the 26th of January. Then we saw what a difference of opinion had arisen. On the Monday morning my hon. friend the member for Beaufort came to me and said, 'I see no answer to this: there is a difference of opinion between the Governor and my Ministry. I see no answer but resignation.' He said, 'I have been thinking the matter over, and there is a distinct difference of opinion; we must resign.' He then went up to the Governor on the Monday to resign. I am

¹ *C. P.*, A. 2—'78, p. 28.

² In this he was totally wrong. It is an axiom of constitutional government that 'the Premier is under no obligations either of duty or courtesy to confer with the Sovereign upon any matter which is under the consideration of the Cabinet.' Todd, *Parliamentary Government in England*, 2nd edition, vol. ii. p. 18.

³ *C. P.*, A. 2—'78, p. 26.

giving the conversation as I heard it from his own lips. When he came back I said, 'Well, what has taken place? Have we to pack up our portmanteaux?' He said, 'No, not at all; the Governor would not hear of resignation. This memorandum, his Excellency said, is merely a basis of discussion; it is a subject upon which he wishes to get the Attorney-General's opinion, and he desires me to send it to the Attorney-General.' This was done and Mr. Molteno offered no objection. I understand from Mr. Molteno that the Governor repudiated any sort of idea of wishing to have any difference with him at all. Well, the resignation was withdrawn, and for the next few days things went on somewhat as usual. As for the Governor being in quarantine, I believe my hon. friend the member for Beaufort saw him quite as much as any two people could see each other. Long conversations took place, and how the Governor can say he was in quarantine I am at a loss to understand. He was no more in quarantine than he is now, and I do not suppose that the hon. member for East London now at the head of Government has the Governor down at Cabinet Councils sitting there and discussing matters. If that is so then his Excellency is in quarantine now. This took place, as I have said, on the Monday. On the Thursday a notice came to the hon. member for Beaufort summoning a meeting of the Executive Council for the next day. That was the first intimation of any Executive Council or anything else, and we could not understand what we were summoned for. Then comes down this minute of the 31st of January. It arrived late on the evening of Thursday, and was read through by my hon. friend the member for Beaufort and sent up to me. I hardly had time to peruse it, certainly not time to master its contents, before the Executive Council met the next day. When we arrived at the Executive Council the Minutes will speak for themselves. Mr. Molteno said, 'What are we here for? What is the business?' The Governor replied, 'I want an answer to this Minute; I want you to discuss it.' Mr. Molteno said, 'The Executive Council is not the place to discuss the matter.' The fact was the Governor wanted to have a discussion upon this matter in the Cabinet, and wanted to see whether we were all agreed. The hon. member for Beaufort was spokesman, and said that the Executive Council was simply the place to formulate matters which had been already arrived at by the Cabinet. Then the Governor replied that if he did not get an answer they must meet every day and discuss it, until an answer was arrived at—like schoolboys. The position, of course, was not a right one to be taken up: we felt the Governor was speaking a little hotly on the matter, and could hardly mean to be so

dictatorial as all that, so after a little discussion it was settled that we should do our best by four o'clock the next day.

It will naturally be asked what had led to this change of tone and to the violent proceeding on the part of the Governor? The explanation is to be found in a Minute which had just been sent to him by Mr. Molteno with reference to the question of reinforcements. As we have already shown, the Cape Premier had always objected to any request for reinforcements of Imperial troops. On every possible occasion he had stated that they were not necessary, and that he was prepared to defend the Colony with its own forces. A despatch was now sent down by the Governor showing that he had asked for additional troops, notwithstanding the objection of Mr. Molteno. It had become necessary to provide for their arrival, and the Governor now sent down Lord Carnarvon's despatch of the 27th of December, with a request that Mr. Molteno would sign Treasury warrants for the necessary expenditure.

If the Governor's view were to prevail, that directly the troops arrived in the Colony they were subject to him through the General, it followed that he might receive them and move them to whatever positions he might select without consulting his ministers, as he had already frequently done with the troops then in South Africa.¹ It is clear from subsequent events that Sir Bartle Frere was desirous, as he said himself to the Secretary of State at the time, of having these troops in South Africa, owing to the state of the Transvaal and the Zulu question. But that being his object,

¹ This he actually did on their arrival. See p. 26 of *C. P.*, A. 24—'78. Mr. Molteno, speaking in Parliament, thus described the action of the Governor in using the Imperial troops. 'They were subsequently moved about and directed by the Governor, without any consultation with the Ministry at all. Our opinion was not even asked for, but we were passed over and ignored in a most summary way in all these important matters; under such circumstances it was utterly impossible for any ministry to carry on the government of the country. I could not resign at such a time, and it was the Ministry and not the Governor who were ignored.' Report in *Argus*, May 18, 1878.

he should have, in the Minute to which we are now referring, stated to the Colonial Government and to the Imperial Government, that this was the sole cause for these reinforcements.¹

Mr. Molteno refused to sanction the use of troops not required, the payment for which would be demanded from the Colony. The Minute is a most important document, and we give it *in extenso*. It was suppressed until called for by Mr. Molteno, and when all correspondence as to the use of Imperial troops was subsequently asked for on a motion in the Colonial Parliament this Minute was not included. Such was the effect on the Colony's interests of having a Premier nominated by the Governor.²

With reference to the accompanying despatch, No. 456, of the 27th ultimo, in which the Right Honourable the Secretary of State transmits to his Excellency the Governor copies of further correspondence with the War Office on the question of sending additional troops to South Africa—

1. Ministers beg to remark that the receipt of this despatch gives the first formal intimation they have had as to any request having been made for additional troops for colonial purposes.

2. They desire to express their profound sense and appreciation of the motive which induced her Majesty's Government to despatch an additional regiment and battery to the Cape at a time when serious difficulties threatened with regard to the native tribes both within and beyond the colonial boundary.

3. At the same time Ministers have never doubted that the Colony—aided by the presence, and, if necessary, such active

¹ Sir B. Frere was a writer of very lengthy despatches, and he soon appears to forget what he had written in them. On the 30th of August, 1880, he writes concerning these troops: 'I am unaware at whose instance they were required in Natal. . . . I can only say that when the troops were allowed, *whilst on their way to Natal*, to land at the Cape, and to take a share in terminating the war there, I, as Governor of the Cape, was specially warned that they were not to be retained long in the Colony, but that they were required for service in Natal and the Transvaal' (*I. P.*, C—2740, 1881, p. 34). But he had himself asked for these troops on the pretext of Natal and the Transvaal (see *C. P.*, A. 4—'78, p. 30), and we may note his admission that they were for this purpose, even though he previously wished to make Mr. Molteno pay for them.

² *C. P.*, A. 24—'78. This Blue Book contains the correspondence produced in answer to the resolution of the Cape Parliament, and does not include the Minute.

assistance as your Excellency might consider could, consistently with Imperial interests, be rendered, of her Majesty's troops actually in the Colony at the time—would be fully equal to the task, not only of crushing the defiant chief Kreli, but also of putting down rebellion among the natives within the colonial boundary.

The response which has been so readily and widely given by the inhabitants of the Colony to the call of its Government to rally to the front for the protection of the country, and the marked success which has attended the operations of the various colonial forces—aided by the movements of her Majesty's troops—has quite confirmed them in the opinion they had formed.

4. Under these circumstances Ministers do not consider it necessary, for the defence of the Colony or for the control of the native tribes devolving upon its Government, that the reinforcements of her Majesty's troops shortly expected should be retained in this Colony. The mere presence of these reinforcements in the Colony would undoubtedly have a most beneficial effect indirectly, but this would not, in the opinion of Ministers, be sufficient warrant for asking for their retention here, should the necessities of the Empire require them elsewhere.¹

Sir Bartle Frere appears subsequently to have forgotten these documents, for he wrote to the Secretary of State—not at the time, it will be observed, but on the 15th of February²—that the Ministry were aware of his intention; and were in every moral sense parties to the arrangement, but in no despatch to the Imperial Government did he quote any authority of the Cape Cabinet, and, indeed, in that of the 2nd of January he tells Lord Carnarvon that Mr. Molteno is against the employment of Imperial troops. We have produced the various telegrams and this Minute to show that Mr. Molteno never wavered in his opposition to any request for Imperial troops. This Minute saved the Colony from paying for these troops.³

¹ Minute from Mr. Molteno dated January 31, 1878. *C. P.*, A. 6—'78, p. 2.

² *C. P.*, A. 6—'78, p. 1.

³ Four years afterwards these events were thus described by the then Premier in his defence of the Colony's interests, and the description was not challenged by the Imperial Government: 'Towards the end of the year 1877, in answer to urgent appeals from Sir Bartle Frere, the Imperial Government

To return to the story: on the 2nd of February the Governor again called a Cabinet Council. Mr. Molteno, notwithstanding that he was unable to consult with his colleagues in Cape Town, had prepared, in deference to the Governor's urgency, a Minute in answer to that of the 31st.¹ In this he asserted that the Ministers were prepared to undertake the responsibility of putting down the rebellion in the speediest and most effectual manner, and that they had expressed to his Excellency that in their opinion this may best be carried out by colonial forces, led by colonists, and not encumbered by military impedimenta; that to place such forces under the military authorities would seriously impair their usefulness and tend to prolong the operations over an indefinite period. These views had been placed before his Excellency as their formal advice on matters of the deepest moment to the Colony, and they now learned with surprise that his Excellency had repeatedly informed them that he could not sanction such proceedings.

As to the position of the Commissioner for Crown Lands and Public Works, by the Constitution the responsibility of Ministers was established, and their duties were to carry out the laws of the Colony and to administer the business of the country according to the wishes of Parliament. 'The Governor acts solely by and with their advice. Should an emergency fraught with danger to the country arise, for which the law makes no provision, Ministers act on their own responsibility, and will be prepared to answer for their acts to that body whose representatives they are.' The Minute insisted that the

consented to despatch reinforcements to South Africa. This step was not, however, taken at the request of the responsible Ministers, who took the earliest opportunity of disclaiming any responsibility on behalf of it in a formal Minute, in which, while thanking the Secretary of State, they respectfully declined the proffered aid.' (*C. P.*, G. 43—'82, p. 7.)

¹ *C. P.*, A. 2—'78, p. 30.

responsibility of the Ministry is collective, the acts of any one Minister being the acts of the whole Cabinet; and that the Commissioner of Crown Lands and Public Works had not assumed the duties he was now discharging, but they had been assigned to him by the Colonial Secretary with the concurrence of his colleagues.¹

The Minute proceeds:

His Excellency the Governor has most properly drawn attention to the evils of a dual system of administration which Ministers entirely agree with his Excellency in deprecating. They would observe that the Government of the country, being by the Constitution vested in a Governor and a responsible Ministry, to hand over the control of the colonial forces and the conduct of military operations within or adjacent to the Colony to an officer not accountable to the Government of the country, and not in any way controlled by them, would be giving practical effect to dual government of the worst kind.

Either the Government of the Colony is responsible for the military operations conducted in the name and at the expense of the Colony or it is not. If it is, then the officer conducting these operations, be his name what it may, must be under the control of that Government. If the Government of the Colony is not to be held responsible, and if the conduct of these operations is to be made over to the officer of the Imperial Government, it is manifest that there must be an entire reversal of the policy of the last few years, for which neither the Ministers nor the Colony are prepared.

The Colonial Secretary has had the honour of pointing out to his Excellency the position which Ministers consider might be usefully occupied by her Majesty's troops within and near the Colony, but he has at the same time intimated the opinion of Ministers that it is not desirable that the conduct of the operations

¹ His Excellency had agreed to the assumption of this position by Mr. Merriman, as was seen from his letter to Sir A. Cunynghame and his own memorandum of the 26th of December (*C. P.*, A. 2—'78, p. 7). 'I cannot speak too highly of the energy and ability shown by the Honourable Mr. Merriman for months past whilst he has been discharging the usual functions of a Minister of War and Police on this frontier.' To Sir A. Cunynghame he had said: 'Your Excellency is aware that since the present disturbances came to a head, the Honourable the Commissioner of Crown Lands has, with my full concurrence, and with, I have every reason to believe, the full consent of the whole Cabinet, taken the principal share of all the duties which would devolve on a Minister of War and Internal Police, and such offices exist here, and that we meet daily to dispose of the questions which come before us.' (*C. P.*, A. 7—'78, p. 53.)

undertaken by the colonial forces should be entrusted to his Excellency General Sir A. Cunynghame, and from this decision on their part Ministers see no reason for departing.

If the arrangements proposed by Ministers for the disposition and employment of the Imperial forces are, in the opinion of his Excellency, unsuitable, and calculated, owing to the difficulties connected with the command, to prove embarrassing, Ministers can only express their regret to find that his Excellency deems those difficulties insurmountable. They desire, in that case, while expressing their thanks for the services already rendered by her Majesty's troops, to suggest that the Imperial forces be withdrawn to the positions occupied by them before the outbreak, leaving the suppression of the rebellion and the occupation of Galekaland to the Colonial Government, on whom the main responsibility of defence must rest, and who are prepared to undertake it.¹

This being read, the Governor asked whether his Minute of the 26th had been submitted to the Attorney-General. Mr. Molteno replied that it had, but that a reply had not yet been received. The Governor said that even if the opinion of the Attorney-General were in the Ministers' favour, there still remained the question whether, as a matter of common sense, the system of dual management and command recommended by the Ministers could practically be adopted, and he said he was prepared to accept Mr. Molteno's resignation.² Mr. Molteno, however, replied that this had been withdrawn. The Governor then said that he would dismiss his Ministers, but that they should continue in office until their successors had been appointed. Thereupon Mr. Molteno asked 'whether his Excellency had any objection to his Excellency's Minute of the 31st, with the General's letter enclosed in it, and their Minute in reply being published.' His Excellency replied, 'Most decidedly; the proper time will come for their publication and that of all the other papers on the subject. They were to regard it as a Cabinet paper and strictly private, and not to be published.'³

¹ C. P., A. 2—'78, p. 30.

² *Supra*, vol. ii. pp. 323-324.

³ C. P., A. 2—'78, p. 29.

But though Sir Bartle Frere had thus absolutely dismissed his Ministers, he appears to have lost his judgment in his wrath, on finding himself unable to make them adopt his views. He took the extraordinary step of sending down on the 6th of February a letter dismissing Mr. Molteno from his office, and appointing Mr. Innes to receive his papers, treating the Premier as if he were some malefactor who had robbed the public chest. The letter was of portentous size and was sealed with a huge seal, and might have been a warrant for the execution of the Premier. This incident is best told in the words in which Mr. Molteno described it to the Legislative Assembly :—

On the Wednesday morning, without the slightest intimation from the Governor, and no communication having passed between us, except one or two Minutes about the assembling of Parliament, the Civil Commissioner of King William's Town called at my office, with a letter enclosed in a very portentous-looking envelope, which was to the following effect :—

'King William's Town : 6th of February, 1878.

'SIR,—I have the honour to inform you that by the authority vested in me as the Governor of this Colony I remove you from your office of Colonial Secretary, and that from and after this date you will cease to hold the said office. I have instructed Mr. J. R. Innes, Civil Commissioner and Resident Magistrate of King William's Town, who will deliver this letter to you, to receive charge of your records, documents, or public property of any description appertaining to your office, and to give a receipt for the same.

'I have the honour to be, Sir, your obedient servant,

'H. B. FRERE.

'Executed before me at King William's Town the 6th day of February, 1878.

'J. R. INNES.'

Now, supposing the difference of opinion had occurred, that seems to me a very harsh and hasty way of proceeding. It is true the Attorney-General instanced a case where a certain

Minister was dragged out of church and made to deliver up the seals of his office, but I do not know what may have occurred to render such a course necessary, and it certainly seems a very curious thing. In the present case when this communication came down from the Governor I believe some one thought it was a writ of execution, and the only thing to give full effect to it was a squadron of Carrington's Light Horse. I think it is right that the House should know of these things, so that it may be able to say whether under the circumstances the course pursued by the Governor was warranted, whether he was justified in thus summarily ejecting from office a Prime Minister who for five years had possessed a majority in this House. Individually I do not care so much about it, but I felt that I represented this Colony of the Cape of Good Hope. I was at that time its Prime Minister, and in my opinion no circumstances are detailed in these documents which warrant so extraordinary a proceeding on the part of his Excellency. I do not dispute his authority, but I think such a proceeding in any portion of her Majesty's dominions can scarcely be maintained.¹

The Governor's next step gave a further example of his complete ignorance of constitutional law, for he now communicated with the other Ministers himself. It is a well-established principle that the Prime Minister is the invariable channel of intercourse between the Cabinet and the Sovereign,² and that any resignation must pass through the Premier.³ The Crown selects the Premier, who selects

¹ In transmitting to the Imperial Government his notes on the Dismissal debate at a later period Sir Bartle Frere seems to have felt that his conduct in the mode of dismissing his Ministers was not correct, and he says, 'I feel certain that it is unnecessary for me to assure any Ministers who have worked with me that I am incapable of offering any intentional slight, much less an insult, to any gentlemen situated as the late Ministers then were, least of all to a gentleman who, as in Mr. Molteno's case, had during many years of public service earned a title to the respect of his fellow colonists' (*I. P.*, C—2144—78, p. 110). Mr. Sprigg, Sir Bartle Frere's Premier, found a difficulty in defending this action of Sir Bartle Frere in his speech: 'I am not prepared to say on the whole whether that was the best form to adopt' (Speech on Dismissal debate).

² Todd's *Parliamentary Government in England*, 2nd edition, vol. ii. pp. 1 and 13.

³ *Ibid.* p. 21. When Lord Palmerston was dismissed it was done through the Premier, Lord Russell, who advised her Majesty to withdraw from Lord Palmerston the seals of the Foreign Department. See Henry Reeve, article 'Cabinet,' *Encyclopædia Britannica*.

his colleagues, subject to the approval of the Crown, the Premier standing between his colleagues and the Sovereign.¹ Yet Sir Bartle Frere was apparently ignorant of these facts. He told Mr. Stockenstrom that 'Mr. Molteno's dismissal does not necessarily involve yourself;'² and again, 'I empowered no one to extend the terms of my letters to Messrs. Molteno and Merriman so as to include anyone else.' The Attorney-General took the correct view, and informed the Governor that 'his Excellency's dismissal of Mr. Molteno involves my dismissal.'

This was absolutely correct. Any resignation must be through the Premier, and there is no constitutional doctrine better established than 'that if he should himself vacate his office by death, resignation, or dismissal, the Ministry is *ipso facto* dissolved.'³ Sir Bartle Frere, in his usual imperious manner, threatened the Attorney-General with grave constitutional consequences.⁴ The Attorney-General concluded

by thanking him for his kindness in suggesting means by which certain penalties which you believe to be hanging over me may be averted. I, however, have nothing to hide, or to be ashamed of; I have loyally served my Queen and country, and fear no penalties.⁵

What, then, was the question between the Governor and his Cabinet? This subject was subsequently involved purposely in great obscurity. The various documents were published, some without dates, others out of order and in various blue books, and it was then and has been now a matter of extreme difficulty to collate them and to trace a connected story.⁶ The facts that we have set out in this

¹ Todd's *Parliamentary Government in England*, vol. i. pp. 278 and 280.

² *C. P.*, A. 24-'78, p. 3.

³ Todd, vol. ii. p. 21. See also Henry Reeve, *eodem loco*: 'The First Minister is therefore in reality the author and constructor of the Cabinet; he holds it together; and in the event of his retirement, from whatever cause, the Cabinet is really dissolved. . . . Each member of the Cabinet, in fact, holds office under the First Lord of the Treasury, and in the event of resignation it is to him the announcement should be made.'

⁴ *C. P.*, A. 4-'78, p. 5. ⁵ *C. P.*, A. 4-'78, p. 6. ⁶ See note, p. 374, *infra*.

chapter show that the question at issue was the contention on the part of the Governor that the General was the only military executive officer, and therefore must command all troops, whether colonial or Imperial; and, further, that the Colony was unable to have any military officers apart from the General.

We have already shown from the documents written at the time that these were the real points, and there is further evidence of the same character. Mr. Molteno on the 2nd of February telegraphed to Captain Mills:

Inform Dr. White and Stockenstrom as follows: Governor has dismissed his Ministers, but required them to hold office until successors appointed. We have consented only on consideration that we carry on as at present. Question at issue with the Governor, command of all colonial forces by General, which we will not consent to. Further particulars by post.

Moreover, the Governor wrote to Lord Carnarvon on the 5th of February,¹ that Mr. Molteno's desire was to create 'a new office of Commandant-General, desiring him to act in the field *without reference to the General and her Majesty's troops,*' and again, in the same despatch, he says, 'I placed before him the legal difficulties of appointing a Commandant-General with powers of command in the field *independent of any constituted military authority,*' and again, 'Unless Mr. Griffith acted *under military command* his acts, it appeared to me, would have been quite illegal.' There is not a word here of the subsequent charge of ignoring the Governor, or placing the Commandant-General above him. It is certainly true that Sir Bartle Frere did subsequently complain that Mr. Merriman wished to constitute himself a military dictator, but there is no proof whatever of this in the documents put forward, and we have seen that the Governor assented to Mr. Merriman acting as a virtual war minister.²

¹ C. P., A. 4—'78, p. 8

² *Supra*, p. 338, n.

Sir Michael Hicks-Beach, the Secretary of State, in his reply to this despatch of the 21st of March, is thus entirely mistaken as to the real issue when he says:—

An important constitutional question is raised as to the power of the Prime Minister of the Cape Colony to appoint an executive officer to take command of military operations *without your consent as Governor and Commander-in-Chief*.¹ I cannot concur with Mr. Molteno if he holds that a Minister has a right at any moment to appoint an officer unknown to the Constitution without the sanction of Parliament, and in opposition to the judgment of the Governor, and to assign to him functions which would give him paramount authority *above that of the Governor himself in all military matters*.²

Mr. Molteno had not made any such absurd proposal. We have shown that Sir Bartle Frere's views on this question of the use of the Imperial forces and their being placed over all military operations was at the end of this war absolutely negated by the Imperial Government when they really awoke to what he had done, and on the advice of Sir Garnet Wolseley he was informed by her Majesty's Government that the duty of defending the Colony must be provided for by the colonial forces, and that not a man or officer was to assist the Colonial Government '*without the previously obtained sanction of her Majesty's Government*.'³

By this the whole fabric of Sir Bartle Frere's contention with Mr. Molteno was cut away, and the latter's views were permanently ratified and established. It is important to observe that four years afterwards the then Premier gave the following account of Sir Bartle Frere's action in repudiating liability on behalf of the colony, and his version was not challenged by the Imperial Government:—

A serious disagreement arose between Sir Bartle Frere and his Ministers, which turned chiefly upon two points—the

¹ Mr. Molteno, it should be remarked, had never made this proposal.

² *C. P.*, A. 4—'78, p. 11.

³ P. 13 of letter to Lord Kimberley by Sir Bartle Frere, *I. P.*, C—2740, p. 108.

non-employment of the Imperial reinforcements, and the refusal to submit the colonial forces to Imperial military control and direction, including supply. The quarrel led to the dismissal of the Ministers and the adoption of the policy of the Governor in both these matters by their successors. Under these circumstances it can scarcely be said that the Colony was responsible in the first instance either for the employment of British reinforcements or for the expenditure arising out of the military control of colonial troops, both of which were stoutly resisted by the Colonial Ministry and adopted in opposition to their advice as the result of a kind of *coup d'état* by her Majesty's representative.¹

It will be well here to give Mr. Molteno's own account of the transactions which have been recorded.² Speaking in the course of the debate raised in Parliament upon this question Mr. Molteno said :—

There may be a difference of opinion as to the mode in which the war was carried on, and as to the success which attended the first campaign. There is a very great deal to be said on that question, but I do not consider it exactly pertinent to the present case, and all I can say is that I am perfectly willing to answer for my conduct. This I will say, that in the middle of January, or very soon afterwards, by hook or by crook, in spite of what the Attorney-General may say about illegal means and all that sort of thing, a sufficient colonial force was assembled on the frontier for our defence. I should like to hear that statement combated; I was at King William's Town at that time, and all I can say is that that was the generally expressed opinion. At first there were some who said, 'We have not got enough,' but afterwards, when reinforcements kept coming forward, they said, 'Now I think we had better stop; it is no use bringing up more; there is almost one man for every Kaffir.' I say that as a figure of speech. It showed the feeling, at all events, that there was a sufficient colonial force on the frontier. I was exceedingly anxious all along to sustain the colonial credit, and knew that in a matter of this sort there must not be anything like a niggardly policy.

I do not wish to speak boastfully of my undertakings, but it was well known that I had had personal experience on the frontier and knew something about matters. I was fully impressed with the

¹ C. P., G—43, 1882, p. 7.

² Sir Bartle Frere's account will be found in full on p. 10 of C. P., A. 4—'78 and p. 51 of C. P., A. 17—'78.

want of management and system that occurred in the Kaffir war of 1846, and felt convinced that Imperial troops were of no avail at all for Kaffir warfare. I said, 'If you can put colonial forces in the field under their own officers, men who understand the Kaffirs, then we do not want the military,' and therefore the plans were arranged in the first campaign that Commandant Griffith should command over the Kei and move with the different colonial forces, and the troops remain on this side in position. I knew that the Imperial troops were not accustomed to fight in the bush, and you could not get them to do it. I remember having a conversation with Sir Garnet Wolseley on this very subject, and he was of the same opinion as myself. I say that as Prime Minister of the Colony I had an opportunity of bringing my useful knowledge to bear, and my object was to impress my opinions upon the Governor. I gave him the benefit of my experience and told him he would get sufficient service from the colonial forces, and that they should not be put under military control.

It is not true that I have set the Governor on one side. The hon. member for Fort Beaufort says that I ignored the Governor, but if waiting upon his Excellency and furnishing him with every scrap of information I could is ignoring the Governor, then I do not know what the word means. *I never got a telegram that was not sent up to the Governor immediately. I did not allow a minute to elapse, and I am not conscious of having omitted this in a single instance.* Judge then how astonished I was to find it stated that information had to be gathered from newspapers and so on. We may all gather information from newspapers, but it is not to say it was because there were no other channels of information open. Everything, I say, was immediately communicated to his Excellency, but his Excellency would not listen to the advice we tendered. He contended that he had an independent power, and that he was commander *by right over the colonial forces, and could do as he liked.* I said, 'You have no right to do it except with the advice of your Ministers,' and it was upon this sole contention we were dismissed. *Ministers maintained that they had a right to advise the Governor which was the best way to dispose of the colonial forces, and that is why they were dismissed.*

You may say that we ignored the Governor, but that is all beside the question, and I will now proceed to give a plain and unvarnished tale of what took place, for I have the thing well in hand, and my memory does not fail me, and matters were not spread over such a very long time. On the 9th of January I arrived at King William's Town, I think rather late in the day. I at once waited upon the Governor, whom I had not seen since October. I neces-

sarily had a great deal to say to him and talk over, and a long conversation ensued, in which I believe everything connected with the Colony was discussed. I looked upon that conversation as a preliminary thing to any formal minutes or to anything being done, and I was very much taken aback when I received a note from his Excellency enclosing a memorandum which he asked me to run my eye over. I at once said it was a very awkward mode of procedure if a private conversation with the Governor should be minuted in this way. If the Governor wanted everything that was said taken down at the time, it should have been done in a proper way, but I was completely taken by surprise.

I replied to his Excellency that I thought it was exceedingly inconvenient to introduce so novel a mode of procedure as that of reducing to writing and permanently placing on record conversations necessarily of so confidential and delicate a character as those in many cases must be which take place between the Governor and the Prime Minister of the Colony. I only regarded this interview as an exchange of ideas, and I said to his Excellency in my communication, 'Several matters were no doubt alluded to during our conversation, but only incidentally, and the time for placing anything on record regarding them has not yet arrived. Let me assure your Excellency that my desire to adhere to a course which has hitherto been found to work well, and a fear that any departure therefrom may possibly lead to a lessening of that freedom and confidence in the exchange of opinion between her Majesty's representative and myself which has always happily prevailed during my tenure, alone prevents my acceding to your Excellency's request.' All I can say is that in the whole course of my previous experience I have never seen such a course adopted before as reducing conversations of this sort to writing, and if I were placed in the same position again I should hold exactly the same views.

What I contended was that in all things connected with the Government of this Colony, without any exception whatever, his Excellency is constitutionally bound to act only by and with the advice of his responsible Ministers. That is the proposition I lay down, and that does not seem like throwing his Excellency overboard. I therefore maintained that his Excellency, although as Commander-in-Chief he has no control over the colonial forces, as Governor he has that power, but it can only be exercised with and by the advice of his Ministers, and if it is otherwise then a rupture must be the result. I told his Excellency these were my opinions, and I am still prepared to stand by them. I also consulted with his Excellency about the appoint-

ment of Mr. Griffith as Commandant-General of the colonial forces, although I do not find a minute respecting that appointment laid on the table of the House. I well remember telegraphing to Captain Mills to have the appointment duly gazetted, and I drew up a minute to that effect which must be among the documents in the hands of the present Ministry. Two days subsequently, when it was proposed to invest Commandant Griffith with the order of St. Michael and St. George, I suggested to his Excellency that the investiture should be delayed until the appointment was gazetted, and I contend that his Excellency was in every way party to the appointment and was fully cognisant of all that was going on.

We have alluded to the position occupied in regard to Ministerial advice by a Colonial Governor, and it is clear that so long as the law is complied with and the paramount interests of the Empire at large are not involved, the Governor must be guided by his Ministers.¹ The question whether the colonial troops should act under their own commanders or under the Imperial General was not of this character, indeed the Imperial Government after this contention of Sir Bartle Frere's again reiterated that the Colony must be responsible for its own defence,² and as a matter of fact the operations conducted at a later stage during Sir Bartle Frere's governorship were entirely under colonial management, and not in any way subordinated to the Imperial Commander who, with the troops, was withdrawn from the Colony during those operations; and further, the power was taken away from Sir Bartle Frere to requisition the aid of her Majesty's forces without the *previously obtained* special sanction of her Majesty's Government. Todd, who is no enemy of the Royal prerogative, says:—

Nor is a Governor free to act without or against ministerial advice, in cases not involving the rights or prerogatives of the Crown or Imperial interests.³

¹ Todd, *Parliamentary Government in the Colonies*, 2nd edition, p. 128.

² *I. P.*, C—2740, p. 103.

³ Todd, *supra*, p. 128.

And again :—

The responsibility of the local administration for all acts of Government is absolute and unqualified. But it is essentially a responsibility to the Legislature—and especially to the popular chamber thereof—whilst the responsibility of the Governor is solely to the Crown.¹

And :—

In the constitutional monarchy of Great Britain, there is no opportunity or justification for the exercise of personal government by prerogative. The Crown must always act through advisers, approved of Parliament, and their policy must always be in harmony with the sentiments of the majority in the popular chamber.²

The Duke of Newcastle wrote in 1862 to the Governor of Queensland :—

In granting responsible government to the larger colonies of Great Britain, the Imperial Government was fully aware that the power they granted must occasionally be used amiss. But they have always trusted that the errors of a free Government would cure themselves; and that the colonists would be led to exert greater energy and circumspection in legislation and government when they were made to feel that they would not be rescued from the consequences of any imprudence merely affecting themselves, by authoritative intervention of the Crown or of the Governor.³

While Lord Dufferin, in 1875, in writing to Lord Kimberley in regard to the difficulties which had arisen in connection with the 'Pacific Scandal,' said :—

I have never doubted but that a strict application of the principles of Parliamentary Government would be sufficient to resolve every difficulty.

To which Lord Kimberley replied :—

I agree with your Lordship in the satisfaction which you express that the result arrived at has been reached by a strict application of constitutional principles, and by the regular working of the machinery of a free Parliament.⁴

¹ Todd, *Parliamentary Government in the Colonies*, 2nd edition, p. 50.

² *Ibid.* p. 626.

³ *Ibid.* p. 630.

⁴ *Ibid.* p. 643. For a still later case see p. 362, *infra*. See also Lord Kimberley's despatch to Sir G. Strahan, Governor of the Cape, on ministerial responsibility, *supra*, vol. ii. p. 50.

With our experience of the disastrous assertion of rights the existence of which no one denied, but the application of which was utterly inexpedient, in the case of the American Colonies, it is surely a matter of congratulation that this liberal view of the Imperial relations has now been absolutely conceded.

But whatever difficulty there may be in reconciling the position of a Governor with the rights of a Ministry on occasions of difference which must in the nature of things arise, it is clear that it must be enormously increased when there exists the complication of the High Commissionership. Still more so when the Governor has a policy of his own to carry out avowedly opposed to that of his Ministers, as was the case at the Cape, where Lord Carnarvon had sent out Sir Bartle Frere to 'press' his policy in South Africa in opposition to the publicly expressed views and advice of Mr. Molteno's Ministry.

In Canada, shortly after the introduction of responsible government, difficulties arose, owing to the want of precedents, in working responsible government; and although Sir Charles Bagot in 1842 and Sir Charles Metcalfe in 1844 emphatically declared their acceptance of responsible government, yet the system was imperfectly understood and mistakes were made on all sides. These Governors were succeeded by Lord Cathcart, a military officer, under whom things did not tend to improve. The British Government found it necessary to entrust 'the management of affairs in Canada to a person who should possess an intimate knowledge of the principles and practice of the British Constitution, some experience of the House of Commons, and a familiarity with the political questions of the day.'¹ Lord Elgin fulfilled these qualifications and was selected by Earl Grey to be the new Governor-General. He

¹ Todd, *Parliamentary Government in the Colonies*, 2nd edition, p. 78.

was eminently successful in his reliance on a wider view of responsible government.¹

In the case of the Cape, where responsible government had been introduced by a man who had similar qualifications to those of Lord Elgin in his experience of the House of Commons and his knowledge of the principles and practice of the British Constitution, complete success had attended its introduction and subsequent working. And in 1877 affairs at the Cape were certainly not less complicated than they had been in Canada at an earlier date. The Transvaal had been promised representative institutions; a great experiment similar to the confederation of Canada had been proposed for the consideration of the colonists. But, in place of selecting a man versed in the principles and practice of the British constitution, and with experience of the House of Commons, Lord Carnarvon selected a man trained in the despotic ways of the Indian bureaucracy,—a man who had already shown his sense of the value of parliamentary institutions by recommending the destruction of the New Zealand Parliament and the appointment of a dictator, and who, in his very first despatch on his arrival at the Cape, displayed his ignorance of the most elementary principles of constitutional government by objecting to the practice of the Cabinet deliberating in private and not in his presence, and who meant to force a policy opposed to that of his Ministers.

Mr. Gladstone in the course of his Midlothian speeches truly said of Sir Bartle Frere, that he had never

been in a position of responsibility, nor had ever imbibed from actual acquaintance with British institutions the spirit by which British government ought to be regulated and controlled. That he is a man of benevolence I do not doubt, but I am afraid he is a gentleman who is apt, in giving scope to his benevolent motives, to take into his own hands the choice of means in a manner those who are conversant with free government and with a responsible government never dreamed of.

¹ See *Colonial Policy of Earl Grey*, vol. i. pp. 226-234.

Friction, then, was inevitable between such a Governor and such a Prime Minister as Mr. Molteno ; unless the Cape Premier were to be a puppet and to subordinate his views to those of the Governor, insurmountable difficulties must arise. For this state of things we must regard Lord Carnarvon as ultimately responsible, for his was the choice of the unsuitable instrument for effecting his purpose.

To return, then, to the points at issue between Mr. Molteno and the Governor. In regard to the question of legality, the Attorney-General declared in favour of Mr. Molteno. The Governor had only his own views to set against this opinion, and as a matter of fact the Commandant-General remained in office during the ministry of Mr. Molteno's successor. No Imperial interests were involved, the question being purely one for the Colony, as had been declared by Lord Kimberley on the introduction of responsible government. Sir Michael Hicks-Beach, after Mr. Molteno's dismissal, again stated that the Colony must be responsible for and must carry out its own military operations, and this as a matter of fact was done thereafter. The Governor no doubt conscientiously believed that he had done what was best in the interests of the Colony and of his position. He differed from his Ministers as to the proper course to pursue, but it was his duty to take the advice of his Ministers. He was wrong in regard to the constitutional position.

On the 30th of January he had addressed a despatch to Lord Carnarvon during the controversy which has already been described with Mr. Molteno, and we have stated that he resented the proper constitutional course of conducting business. In that despatch he says that Mr. Molteno declines

to discuss the measures he [the Governor] proposed in the presence of his colleagues or of any other members of the Executive Council.

His view of the proper action of responsible government, as far as I can understand it, is that all matters of policy and all

measures of importance are to be settled by the Cabinet in separate consultation, without the Governor being present; that the Premier is to be the sole means of communication between the Cabinet and the Governor on such matters, direct communication between the Governor and any other Cabinet Minister being only permissible on matters of departmental detail, not involving any question of policy or principle; that the meetings of the Executive Council are simply for the formal registration of measures decided on by the Cabinet, and sanctioned by the Governor, at which the attendance of the commander of the forces is generally unnecessary and inconvenient; and that anything like discussion of measures at the meetings of the Executive Council, if not absolutely prohibited, is so likely to be embarrassing that it is as much as possible to be avoided.¹

No less than twelve paragraphs of the despatch were devoted to this point, but Sir Bartle Frere was clearly wrong. He had stumbled at this question on his first arrival; now it led to his dismissing the Cabinet, but nothing is clearer than that Ministers have the right to deliberate in private. Todd says:—

A constitutional ruler is at liberty to share in the initiation as well as in the maturing of public measures; provided only that he does not limit the right of his Ministers to deliberate, in private, before submitting for his approval their conclusions in Council.²

And again he points out that under this system—

When formally introduced into a colony, the Executive Council shall not be assembled, as under the old system, for the purpose of consultation and discussion with the Governor, but Ministers shall be at liberty to deliberate on all questions of ministerial policy in private, after the example of the Cabinet Council in England.³

¹ *C. P.*, A. 17--'78, p. 52.

² *Parliamentary Government in the Colonies*, 2nd edition, vol. ii. p. 11.

³ *Ibid.* p. 47. See also Todd, *Parliamentary Government in England*, 2nd edit., vol. ii. pp. 12-14; and also Henry Reeve, article 'Cabinet,' in *Encyclopædia Britannica*: 'The Sovereign never presides at a Cabinet; and at the meetings of the Privy Council when the Sovereign does preside the business is purely formal. It has been laid down by some writers as a principle of the British Constitution that the Sovereign is never present at a discussion between the

We see, then, that Sir Bartle Frere's contentions were wrong from a legal and constitutional point of view. Was his opinion likely to be more correct, as a practical one, than that of Mr. Molteno, for it will be observed that he had desired to justify his action by an appeal to common sense, while characterising Mr. Molteno's view as that of a lunatic. We should not attach too much importance to this word, inasmuch as he had already applied this term to Lord Carnarvon's own policy. The Governor had only arrived in South Africa in April 1877, and had only reached the frontier in September. He had had no previous knowledge of the country or its inhabitants, whether white or black. Mr. Molteno had been in the Colony since 1831, and had lived among its inhabitants, whom he thoroughly understood. He had lived in the Cape Colony through all the great Kaffir wars. He had personally fought in the great war of 1846. He had been a member of the Cape Parliament since its establishment twenty-four years previously. He had administered the country as Premier since 1872. His sound judgment and natural powers of observation had been matured by years of experience. His measures had been uniformly successful, both those proposed in Parliament by him before he was Premier, and those which he initiated as Premier. Their success had been attested by the preceding High Commissioner, Sir Henry Barkly, by Lord Carnarvon himself, and by Sir Bartle Frere, who, in the course of his tour, speaking at a public dinner at King William's Town, declared :—

It is my deliberate opinion—and remember I am not speaking merely things that will please you—that you have made most extraordinary progress in all political matters since you have had the means of exercising your own faculties in your own Government.¹

advisers of the Crown, and this is no doubt an established fact and practice. . . . When George III. mounted the throne the practice of the independent deliberations of the Cabinet was well established, and it has never been departed from.'

¹ See *Argus* report, September 18, 1877, and on the 4th of December Sir

While Sir Bartle Frere himself on the 31st of December addressed a letter to Mr. Molteno, urging him to accept an honour offered to him by Lord Carnarvon,¹ yet before the end of January Mr. Molteno had become a 'lunatic.' It looks as if someone had lost his judgment.

During the Indian Mutiny the high officers sent out by the War Department were not placed in command, owing to the want of the necessary knowledge of the country and its conditions,² while Sir Bartle Frere had himself pointed out the dangers of a man new to a country being placed in power; yet Sir Bartle Frere, who had just arrived in the country, asserted his own views, not only in regard to the actual details of the military management, but in regard to matters of the most serious importance upon which the Governor could possess views, viz. the control and management of the native tribes.

The chances surely were that Mr. Molteno was likely to be right. At any rate, the rejection of his experience cost the Colony and the Empire enormous loss in life, in property, in treasure, and in prestige. Moreover, it is remarkable how different are the Sir Bartle Frere newly arrived and Sir Bartle Frere after his colonial experience. Speaking at the Colonial Institute on the 22nd of February, 1881, the latter gave his adherence to Mr. Molteno's view of defence: 'I think the example of the Cape Colony has conclusively shown that the colonists are *fully able when left to themselves*

Bartle wrote to Lord Carnarvon, 'congratulating the Colonial Government on the success which has attended their measures for meeting the late crisis.' *I. P.*, C—2000, p. 10.

¹ (*Private.*)

31st of December, 1877.

MY DEAR MR. MOLTENO,—I received by the mail which arrived yesterday the inclosed letter from Lord Carnarvon. I need not say what a great pleasure it will be to me, as I think it will be to most of your best friends in the Colony, should you authorise me to reply to Lord Carnarvon that you would be gratified by receiving such a mark of her Majesty's appreciation of your long and arduous public services.

(Signed) H. B. E. FRERE.

² See Lord Roberts' *Forty-one Years in India*, 30th ed., p. 217.

unhampered by restrictions from distant commanders, to deal with any enemy which may arise in South Africa.'

For a quarter of a century the Cape Colony, in the hands of those who knew the natives, had maintained the peace, and had made great progress in civilising the surrounding natives. Sir Bartle Frere as soon as he arrived on the frontier began to find fault with all previous Governments, whether Imperial or Colonial, for not having put their feet upon the necks of the native chiefs, and within a brief space he announced the policy of disarmament: the most fatal that has ever been attempted in South Africa.

We may here remind the reader that the ablest General, and one of the ablest official representatives of the Imperial Government, sent to South Africa in recent times, Sir Garnet Wolseley, addressed a despatch to the Home Government entering a strong protest against the whole policy of disarmament.¹ Even if colonial experience, such as Mr. Molteno's, is to count for nothing, it would be unnecessary to give any further authority to prove the unwisdom of Sir Bartle Frere's views.

And whose opinion was correct, as shown by subsequent events? As to the war itself, the change of Ministry had, as it was admitted on all sides, led to its prolongation.² The system adopted of entrusting it to Imperial troops led to its extension, and to its continuance for many months after the dismissal. Even Galekaland took months to pacify, though the colonial troops had cleared it entirely of Galekas in less than a month. The cost was enormous compared with that incurred up to the dismissal. But this was a small evil compared with what followed upon the inauguration of Sir Bartle Frere's policy of crushing the native tribes

¹ Despatch, 10th of March, 1880, *I. P.*, C—2569, p. 6.

² What according to Colonel Bellairs on the 23rd of January and Sir Bartle Frere himself on the 24th and 26th of January was a mere affair of police developed into a serious Kaffir war of the old type, which ended by the exhaustion of both sides in June.

and chiefs. His disarmament policy was put in operation under his directions, with the result that all native South Africa was convulsed. The Cape Colony carried on war on its northern border as well as in Tembuland and in Basutoland; between 4,000,000*l.* and 5,000,000*l.* was expended in fighting, and even then no success was attained in disarmament, while it lost Basutoland.

The application of the same principles to Zululand led to the unjust, disastrous, and ill-fated war in that country. South Africa was deluged in blood. There followed the Batlapin war, the Griqua war, the Sikukuni war, and finally the Boer war, while had not Sir Bartle Frere been checked by Sir Garnet Wolseley and the Imperial authorities, a Pondo war might have been added to them.¹ Let us compare this with a quarter of a century of peace.

Mr. Molteno was too amply justified by subsequent events. He derived no satisfaction from the sight of his country plunged into these disasters by a man who 'took his ignorance for superior knowledge,' and of whom it may be said that, the more active he was, the more fatal was his presence in South Africa.

Sir Bartle Frere was the channel of communication with the Imperial Government, and naturally represented his action in his own way. He was permitted to proceed unchecked by the Imperial Government, or by public opinion, who little recked of what he was doing until he forced the hand of the Imperial Government in declaring war with Cetywayo, when both the Government and the country were startled out of its ignorance by the terrible disaster of Isandhlwana. Then public censure both on the part of the Government and the public followed rapidly enough. His powers of dictatorship of South Africa were taken from him. He was deprived of his position as High Commissioner in Natal and the Transvaal.

¹ *I. P.*, C—2240, p. 4.

All these consequences were not yet apparent ; it was certain, however, that responsible government, which had only been established in 1872, was by the high-handed proceedings of Sir Bartle Frere practically withdrawn and replaced by his personal rule, with all the terrible disasters which that entailed.

Confident in his own power and that of the men who had come forward so patriotically to defend their country, Mr. Molteno was ready to do his share of the Empire's defence, leaving the Imperial troops free for their Imperial duties. Mr. Molteno had incurred great hostility from those in the Colony who wished to retain the Imperial troops, by stating that the Colony could do without them. This view had been urged on the Colony by all Secretaries of State since the passage in the House of Commons on the 4th of March, 1862 of the motion :—

That this House (while fully recognising the claims of all portions of the British Empire to Imperial aid in their protection against perils arising from the consequences of Imperial policy) is of opinion that colonies exercising the rights of self-government ought to undertake the main responsibility of providing for their own internal order and security, and ought to assist in their own external defence.¹

And this policy was urged by none more strongly than by Lord Carnarvon—indeed his whole South African policy was based on this reduction of Imperial troops. It had been distinctly settled on the introduction of responsible government, that the Colonial Government was to control the Colonial troops. Yet Mr. Molteno, though entitled on these and on many grounds to the consideration and thanks of the Imperial Government and its representatives, was not supported, and the Governor's arbitrary acts were improperly upheld with terribly disastrous results to South Africa and

¹ Todd's *Parliamentary Government in the British Colonies*, 2nd edition, p. 392.

the Empire. At the close of this war Sir Bartle Frere was informed that he must not use the Imperial troops—not even a single man or officer—without her Majesty's express consent, and any operations must be conducted by the Colonial troops alone.¹ The whole fabric of Sir Bartle Frere's contention in dismissing his Ministers was thus destroyed by the order of her Majesty's Government, which was of course, as we have previously pointed out, the reiteration of Lord Kimberley's dictum on the introduction of responsible government.

The European situation was at this time such, that every patriotic Englishman would wish to do nothing to weaken the Imperial forces in Europe. Plevna had fallen in December, Russia was in full career in her campaign against Turkey. In November Lord Beaconsfield had spoken of England being prepared for war, and in January war looked extremely probable. Russia's occupation of Kizil Arvat in the preceding year had seriously alarmed those responsible for the security of India. It was doubly important that no demand should be made just then on the British army which could be avoided. This was the moment when Mr. Molteno refused the aid of British troops, and when Sir Bartle Frere determined to open his disastrous campaign in South Africa.

The late Mr. Todd has discussed the dismissal of Mr. Molteno at page 380 of his 'History of Parliamentary Government in the Colonies,' 2nd edition. It is clear from a perusal of the circumstances as related by him, that he had not read the papers connected with the matter, and evidently an account was supplied to him, the accuracy of which may be gauged by those conversant with South African affairs, when it is stated that Mr. Sprigg successfully conducted military operations against the Basutos, and further that Mr.

¹ *I. P.*, C—2740, p. 103. See also *I. P.*, C—2220, p. 273; *I. P.*, C—2454, p. 50; *I. P.*, C—2569, pp. 6 and 46; *I. P.*, C—2695, p. 83; *I. P.*, C—2740, pp. 7, 9, 10, and 103.

Sprigg resigned owing to ill-health and thereupon a new Ministry was formed, omitting all statement of the fact that immediately upon the departure of Sir Bartle Frere he lost the confidence of Parliament (see p. 391).

With a view to showing the inaccuracy of facts as related by Todd, attention may be drawn to his statement on page 380, that Mr. Molteno desired that the Governor himself should refrain from interference with the Commandant-General, while this was accompanied by 'an intimation to the Governor that one of the Ministry, the Commissioner of Crown Lands, had been deputed to act as Commandant-General in command of all colonial forces whatsoever, under the sole control and direction of the Colonial Government.' This is of course quite incorrect, while, further, he says on page 382 :—' After repeated remonstrances with his Ministers for their illegal and unwarrantable conduct . . . the Governor at length, on the 2nd of February, 1878 notified the Premier (Mr. Molteno), by a letter sent through a principal officer of the Civil Service, that he could no longer consent to retain them as his advisers, and that they would remain in office only until their successors were appointed.' It will be seen that this also is incorrect in every way. There never were any repeated remonstrances for illegal or unwarrantable conduct ; the dismissal took place in Cabinet Council, and the subsequent letter was sent dated the 6th of February.

He further adopts the misstatement that one of the Ministers assumed the position and powers of a minister of war, *irresponsible to the Governor*. He also repeats the allegation that appointments were made by Ministers without the sanction of the Governor, which was completely disposed of by Mr. Stockenstrom, the Attorney-General in Mr. Molteno's Ministry, during the course of the debate on the dismissal. Absolutely no proof of such appointments is to be found in any of the documents preceding the dismissal, though such a statement was made subsequently by the Governor in some of his despatches, which Mr. Merriman described very properly as political pamphlets. The only appointments which were subsequently complained of were the gazetting of volunteer officers of subordinate rank, and

these are matters of official routine such as it was quite competent for the Minister in charge to make without reference to the Governor.¹ Had the Governor asked for the submission of the names it would have been done, as Mr. Molteno gave him every information he wanted. As Mr. Stockenström showed, the Governor's statement was based on an erroneous view of the facts. Todd further quotes the statement from Mr. Sprigg's manifesto to his constituents on taking office, that the Ministry contended they were 'entitled to direct the movements of the colonial forces, not by way of advice to the Governor, but upon their own responsibility alone.' This was also not in accord with the truth.

It will be seen that Todd's discussion is thus of no value on the real question at issue, namely whether the Governor was right in holding that the General was the only military officer whom the Colonial Government could employ for military operations, and therefore that the Governor, by virtue of his commission solely, could command and move the troops, both Imperial and Colonial, without consulting his Ministers. Mr. Molteno never in any way put forward the view that the Governor should be ignored, or that any action should be taken without his knowledge or consent. Even Todd admits (page 391) that 'At a later period, however, the Home Government receded from the position they had assumed in regard to the colonial defence in South Africa. They threw upon the local Government the responsibility of maintaining order in the Colony, and of resisting aggression by the aid of colonial forces.' The Home Government had not assumed any such position; it was Sir Bartle Frere who had done so, for Lord Kimberley had in 1870 decided the contrary, and Lord Carnarvon had, so recently as the 4th of January, 1877, again reminded Ministers of their responsibility for native defence.² Todd appears to have been unaware of this, and his want of knowledge destroys the whole value of his argument.³

¹ See May, *Constitutional History*, vol. i. p. 135; also Todd, *Parliamentary Government in England*, 2nd edition, vol. ii. p. 14.

² *I. P.*, C-1776, p. 3.

³ The responsibility for the conduct of operations on the borders of the Colony was placed on the Colonial Government by Lords Carnarvon, Kimberley

Todd had an exaggerated idea of the Royal prerogative. On the principle of *Omne ignotum pro magnifico* in the middle ages the Popes were regarded with a reverence which varied directly with the distance. In Rome it was almost nil, in Germany it was very great; so apparently was it with Todd, who was a Canadian. He contends apparently that the Governor was right in conducting the war as he thought best. Had he lived to discuss a case which occurred after his death, but is embodied by the Editor of the work known by his name (Second Edition), he would have had to modify his views. Lord Ripon, in opposition to Todd's view as originally expressed on page 820, is quoted, at page 823, as saying:—

When questions of a constitutional character are involved, it is especially, I conceive, the right of the Governor to fully discuss with his Ministers the desirability of any particular course that may be pressed upon him for his adoption. He should frankly state the objections, if any, which may occur to him; *but if, after full discussion, Ministers determine to press upon him the advice which they have already tendered, the Governor should, as a general rule, and when Imperial interests are not affected, accept that advice, bearing in mind that the responsibility rests with the Ministers, who are answerable to the Legislature and, in the last resort, to the country.*¹

On the receipt of this despatch the Governor waived his objection, and the appointments were accordingly made.

That is exactly what Mr. Molteno had always contended and acted upon. It was correct, and now has the official imprimatur of the Secretary of State for the Colonies. We have seen the last of prancing pro-consuls as Colonial Governors.

Mr. Martineau, the biographer of Sir Bartle Frere, is as ill informed on the subject of the dismissal as was Mr. Todd; and Granville (see pp. 25-27, 54, 56 of *I. P.*, C-459); while the subsequent directions to Sir Bartle Frere to abstain from the use of even one officer or man of the Imperial troops are to be found at *I. P.*, C-2220, p. 273; *I. P.*, C-2454, p. 50; *I. P.*, C-2569, pp. 6 and 46; also *I. P.*, C-2695, p. 83; *I. P.*, C-2740, pp. 7, 9, 10, 103.

¹ See also Lord Kimberley's clear definition of ministerial responsibility, *supra*, vol. ii. p. 50.

but the climax of error is reached in the pages of the 'Dictionary of National Biography' by a writer who cannot have possessed the smallest acquaintance with the facts of the case. He states, without a shadow of justification, that at the time of Sir Bartle Frere's landing, 'In the Cape Parliament party feeling had reached a pitch which was well-nigh becoming dangerous to the State;' and then, after a brief notice of the outbreak of the war, proceeds as follows: 'It became imperatively necessary that peace with the Kaffirs should be restored as speedily as possible, and Frere placed the matter in the hands of Sir Arthur Cunynghame, the general commanding. Meanwhile the conduct of some of the leading members of Frere's Cabinet became openly and unconstitutionally obstructive. The position, complicated by the alarm of savage war, was intolerable. Frere dismissed his Cabinet, and Sir Gordon Sprigg, the leader of the opposition, accepted the seals of office as Premier.' To enter into refutation of such a distortion of the truth is superfluous: it has only to be compared with the plain statement contained in this and the preceding chapters, for every line of which the reference is given to the original documents.

CHAPTER XXX

DISMISSAL DEBATE. 1878

South Africa under Despotie Rule—Free State alone independent—Subservient Ministry in Cape—Untrue Statements circulated—Denials in Press—Hostility of Press—Intrigues—Government House Influences—Governor misrepresents position to Home Government—Confused and misleading Statement of Case—Dismissal Debate—Mr. Merriman's Resolutions—His Speech—Mr. Molteno's Speech—Speaker intervenes—Mr. Stockenstrom's Speech—Mr. Sprigg's Defence—Papers withheld—Real Issue not met—Mr. Merriman's Reply—Party action of Governor—Fatal results of condoning Governor's action—South Africa convulsed—Mr. Molteno's policy and Sir Bartle Frere's.

THE last barrier which stood between the unfettered disposition of South Africa by the Secretary of State and his pro-consul had now been got rid of. Mr. Molteno, the chosen and constitutional exponent of the views of the Cape Colony upon the great subject of Confederation, was dismissed. But Confederation was no nearer. Indeed, in the light of subsequent events we are able clearly to see that it was in reality fatally put back, if not deferred for ever, by the high-handed policy of Lord Carnarvon and his agents. The constitution of Natal had been revolutionised and placed wholly in the hands of the Imperial Government. The Transvaal had been seized, and representative institutions which had been promised had not been conferred. The Cape was now in the hands of the Dictator. For the moment, therefore, things looked more favourable for the accomplishment of the Governor's policy. Mr. Molteno was succeeded as Premier by a man who was naturally subservient to Sir Bartle Frere, and who became the ready instrument for executing all his ideas, wise or unwise.

It is passing strange that Mr. Sprigg, in the beginning of the war, had supported the Government in suppressing the rebellion, as every patriotic man should have done. After a visit to the Governor he now informed the public that he had fully conveyed to his Excellency his view of frontier management and of public affairs generally. And he began to attack the Ministry most violently.¹ He suggested that a change of advisers was the only solution, in the meantime embarrassing the Government by urging that the frontier farmers should take the law into their own hands in connection with the difficulties in which they were placed.

The Governor had indignantly refused Mr. Molteno's request to make public the Minutes showing the points in dispute between the Ministry and himself. No reasons for the dismissal had been given, and the story could only be gathered from an extremely complicated set of papers published much later. The Governor took full advantage of this fact. The interval between the meeting of Parliament and the dismissal was used in putting forward a version of the facts which was not a correct one, through Mr. Sprigg and also through the inspiration of the portion of the press which had always exhibited the utmost hostility to Mr. Molteno's Ministry.²

Mr. Sprigg issued a manifesto,³ in which he said that the Ministry had endeavoured to direct the movements of the colonial forces, not by way of advice to the Governor, but upon their own responsibility alone. This, as we have seen, was not in accordance with the facts. In a subse-

¹ See Mr. Sprigg's letter to *Argus*, the 8th of December, and the further letter dated the 6th of December, appearing in *Argus* the 15th of December:— 'I have in the course of what I believed to be my duty spoken in the plainest terms to his Excellency the Governor with respect to the present position of affairs.'

² See letter of 'Constitutionalist' and article of *Cape Times* of the 2nd of March, 1878, and letter of 'Colonist,' dated the 23rd of March, in *Cape Argus*.

³ *I. P.*, C—2079, p. 101.

quent speech he again said that the Ministry claimed the right to move troops without consulting the Governor, and further, that the Ministry had refused to call Parliament together. These statements were not in accordance with the facts as contained in the documents, and Sir Gordon Sprigg himself, in regard to the meeting of Parliament, confessed during the Dismissal debate that he had misstated the facts. While as to the troops he took credit for retaining them in the Colony; at the same time relating how Mr. Molteno on their arrival had told Sir Bartle Frere that they might be sent to any part of the Empire where their services were required, as they were unnecessary at the Cape.

Mr. Molteno showed his extreme loyalty and patriotism in the line of conduct which he pursued at this time. He refused in any way to hamper the Government who were dealing with the rebellion. He refused to follow the tactics of the Governor and Mr. Sprigg in this field of intrigue. He had a higher sense of the necessity for an unfettered judgment being formed by the public and by members of Parliament.

During his term of office there was no parliamentary whip, and he refused on several occasions to influence votes by any statement even of intention to make certain matters questions of confidence in the Ministry, and so to bias the judgment of members. His views and actions on this subject were not perhaps sufficiently practical. The public must be informed, and sometimes members must be got together to prevent snatch votes against the Government. But this was his principle; he was ready to serve the country on these lines and not on any other. If intrigue became necessary he was not in the running; granted straightforward, honest argument in the light of day, he had shown that under such conditions no man would fight harder or more successfully; but secret intrigue, self-advertisement, flattery, and the various subterranean arts of influencing

individuals, all of which were now to be practised by adepts, he would have none of. He believed entirely in the justice of his cause, which, as he then thought, had only to be stated to be admitted by all colonists and to receive their support.

He confined himself to a simple contradiction of these statements of Mr. Sprigg and Mr. Ayliff, the Secretary for Native Affairs, contained in the following letters :—

To the Editor of the 'Cape Argus'

23rd February, 1878.

SIR,—I have only this morning read in the 'Cape Town Daily News' Mr. Ayliff's address to his constituents on his assuming the Secretary of State of Native Affairs, the following passage, to which I deem it necessary at once to take exception, lest erroneous impressions may be created by the publication of facts as to what actually occurred :—'The rupture that has taken place between the Governor and his Ministers, and has caused the extreme remedy of a dismissal, has within it principles of considerable importance, and in the ignoring of the Governor in important decisions a principle is involved, which sacrificed, would have established a precedent dangerous to the good government of the country in the future. These facts when published will prove interesting and useful to future governments, and according to the opinion formed, be a beacon to mark the rock on which the Governor or the Ministry have caused the wreck.' I am entirely unaware of any 'ignoring of the Governor in important decisions' having taken place on the part of his late Ministers.

I am, &c.

J. C. MOLTENO.

To the Editor of the 'Standard and Mail'

Kalk Bay, 13th March, 1878.

SIR,—In your issue of yesterday appears the first part of Mr. Sprigg's (the Colonial Secretary) speech at the dinner given to him by his constituents at East London on Saturday last.

Although it is with great reluctance I do so, I cannot refrain from again calling in question statements relative to the late Ministry made by gentlemen occupying positions of responsible Ministers, as I feel it incumbent on me not to allow statements contrary to fact to go unchallenged for such a length of time as it seems likely will elapse before Parliament meets. The assertions

of Mr. Sprigg's speech to which I particularly take exception are as follows :—'The reason why the Governor and his Ministry could not agree was because the Governor believed that the Ministry were acting in an illegal and unconstitutional manner in claiming to itself the right to direct the movements of the colonial forces without reference to the Governor.' Then the Governor desired that Parliament should be summoned so that it should decide the question, but the Ministry knew that the summoning of Parliament would be their death warrant. They knew they could never face Parliament after all their statements and predictions made during this war, so they refused to call Parliament together so that the question might be decided and the measures introduced to enable Government to carry on the war. They refused that.'

The publication of the Minutes bearing on these questions would at once prove that these statements as to the matters of fact are entirely erroneous, and I am entirely at a loss to understand how Mr. Sprigg with these documents at his hand could have fallen into such serious error.

I am, &c.

J. C. MOLTEÑO.

These were the only occasions on which he broke silence during this trying time.

He had no relations with the press. The 'Argus' had given him an independent support on many questions, though differing from him on some. During the preceding year we have seen that Mr. Solomon had admitted that his mission of justice and fair dealing towards the natives had been absolutely accomplished and realised under Mr. Molteno's administration. Now, however, the great philanthropic reputation of Sir Bartle Frere carried him away. He apparently believed that he could do far better by supporting Sir Bartle Frere, though in the sequel he was terribly and wofully disillusionised. In place of continuing to trust one whom he had known all his life and could rely upon, he now not only ceased to do so, but before the facts were known, his organ, the 'Argus,' supported Mr. Sprigg. Mr. Solomon had had an affection for Mr. Sprigg, evinced by the condition which he had attached to his becoming a member of Mr.

Molteno's Cabinet in 1872, that Mr. Sprigg should be a member of that Ministry. The 'Argus' had constantly spoken highly of Mr. Sprigg, indeed in the last session of Parliament it had endeavoured to aid him in attaining a leading position in the Opposition, until it was bound to confess that Mr. Sprigg had made a hopeless failure of his attacks upon the Ministry. Now, however, no sooner had he come into office than the 'Argus' gave him a support which grew and grew as the time for the meeting of Parliament drew near.

It will be easily understood how seriously this influenced the view which would be taken of Mr. Molteno's action when Parliament met. The hostile press was doing its worst to attack the fallen Ministry, inspired, as we have seen, by the Government House party, while the paper to which Mr. Molteno's supporters, in the absence of any special party organ, had been accustomed to look for a defence of his actions, was now in league with the other side. To such an extreme was this unfair action carried, that when the debate on the dismissal took place, the 'Argus,' while reporting verbatim the speech of the Colonial Secretary and the Attorney-General against Mr. Molteno, refused to give a verbatim report of the speech which the latter made in his own defence. As a consequence, this speech has never yet reached the country in its entirety.

In the speech of Mr. Sprigg, to which we have alluded, he immediately made it clear that he had adopted Sir Bartle Frere's directions in all respects, and that Sir Bartle Frere was making use of him to further the policy for which he had been sent out. Indeed, it became evident that Mr. Molteno had been conveniently got rid of so as to move this stumbling block in the way of Sir Bartle Frere's policy of confederation. Mr. Sprigg adopted his disarmament proposals in their entirety, and after referring for the initiation of this policy to the Governor's reply to the deputation at King

William's Town, when he made that fateful announcement which led to the Gaika outbreak, said that he fully agreed with the Governor.

Mr. Sprigg had been the Chairman of a Defence Commission, which had entered very fully into the whole question of frontier defence and had issued a report in the previous session, in which no allusion was made to disarmament, showing clearly that, as he stated above, it was Sir Bartle Frere's policy and his alone. While in regard to Confederation he announced that he looked forward to a time when we should inaugurate a great South African Dominion.

In his first manifesto and in a subsequent speech Mr. Sprigg took credit for retaining the Imperial troops in the Colony. He boasted that he had kept the Governor and the troops in the Colony by accepting office, and he made the most improper remark that the Governor had promised him a dissolution if he were defeated in Parliament. He made a further offer of a bribe for support to a Confederation policy, by saying that he believed that the Imperial Government 'look to render, as we look to receive, material assistance in the shape of troops if they saw that we were bent on carrying out that policy of Confederation on which they have set their minds.' And he made the extraordinary threat, which must have been suggested to him by Sir Bartle Frere, and which curiously enough had been made by Mr. Watermeyer, who was in the secrets of Lord Carnarvon's policy, that

either the constitution of the Colony would be taken away as not understood by us in a proper sense, or the Imperial troops would be withdrawn, and we should be called upon to defend ourselves. Now he thought that in view of these contingencies we had better take counsel with the Imperial Government.¹

These remarks were most improper on the part of a Premier of a Colony with responsible government, and they

¹ *Cape Argus*, 6th of April, 1878. Report of Mr. Sprigg's speech at Grahamstown.

serve to show that Sir Bartle Frere had thoroughly alarmed his henchman, and had him well under control.

The Governor now returned to Cape Town in deference to the advice and in compliance with the wishes of his Ministers. They had found, as the preceding Ministry had found, that it was impossible to carry on the government of the country while the Governor remained on the frontier, and in his address at Port Elizabeth he said:—‘I gladly comply with the wishes of Ministers that we should return to Cape Town.’ This return was of great importance to the Governor’s policy in other respects. Government House at Bombay had been known as the ‘land of promise;’ but now the Governor’s stay in the Colony, his stay in South Africa, the opportunity of forcing Lord Carnarvon’s policy on South Africa, were all at stake—for, as Mr. Sprigg confessed, the Governor had plainly told him that if the Parliament went against him he would have to leave South Africa, and this was undoubtedly the fact. When all this was trembling in the balance, it will readily be understood that all the arts and all the devices which had led to Government House at Bombay being so named, would be used with redoubled energy and with enormous extension of field.

In accepting the position of Governor and High Commissioner he had hinted to Lord Carnarvon that at such a period of change, as he called it, the official salary attached to the office would be too small. We can easily understand that when the Governor stepped out of his usual neutral sphere as regards parties, and entered upon a life and death struggle with the party which had been the predominant one on his arrival, some expense might be involved.¹

The Cape Parliament was small in numbers, comprising

¹ Sir G. Colley says of Sir Bartle Frere:—‘The thoughtful courtesy of himself and his family, coupled with the boundless hospitality of Government House, had given him a popularity which will rather handicap his successor.’ (9th of August, 1880, to Lord Kimberley.)—Sir Wm. Butler’s *Life of Colley*, p. 263.

between sixty and seventy members in the Lower House and twenty-two in the Upper. The advocates of constitutional government have always recognised the danger which attaches to Houses which are numerically very small. Numbers so small as these easily permitted of every individual being personally dined, fêted, and flattered. Naturally the majority would be impervious to such influence, but there are some who are placed in difficulties by personal attention and consideration of this character from a Governor and High Commissioner. Responsible government had only been in operation for six years, and the old personal ascendancy which attached to the Governor's position before its introduction was easily revived. The influence attaching to it was used in the fullest and amplest manner to support the Governor's view.

But in addition to this, a number of despatches had been penned by Sir Bartle Frere to the Secretary of State for the Colonies, giving his own *ex parte* view of the dismissal. Statements were made for which no support could be adduced from any document antecedent to the dismissal.¹ One of the most important of them related to a statement that appointments had been made by Mr. Merriman without the sanction of the Governor. This charge was completely disposed of during the debate by Mr. Merriman and Mr. Stockenstrom, but the incorrect version of the Governor had

¹ As to the methods which Sir Bartle Frere permitted himself to make use of, Bishop Colenso says:—'In fact, if it is desired in England to avoid, if possible, a long, costly, and bloody war, the best thing to be done would be to withdraw the present High Commissioner, who will never consent to give up his plans, and send in his place someone who will look at things from an unprejudiced point of view, whose promises can be trusted, instead of its being necessary to "read between the lines" before their real meaning can be understood, and whose conduct shall be open and straightforward, instead of tortuous and sly and slippery.'—*Life of Bishop Colenso*, vol. ii. p. 509. And again:—'I send you a copy of my reply to Sir Bartle Frere's last letter, and I think you will be astonished that he could allow himself to write such a letter. It utterly destroys all confidence in his good faith as a politician, and in his wisdom as a statesman. I do not understand his object in writing it. Was it to go to England *without* a reply?'—*Ibid.* pp. 509-10.

had a long day's run, and this and other statements had done their work.

When the papers were published the Minutes of the Executive Council appeared as they had been drafted by the Governor without submission to Mr. Molteno, and when attention was drawn to this during the debate by Mr. Molteno, the Premier actually suggested that if he would point out inaccuracies, he would then have it compared with the rough note of what occurred—as if this could not and ought not to have been done before any *ex parte* version was published. In addition, a long Minute, containing the Governor's version of the dismissal and points at issue, was published, but this also was not seen by Mr. Molteno, although dated the 6th of February. It was evidently drawn up in the excitement of the moment, and in the eleventh paragraph of it occurred the famous statement, on the part of the Governor, that had he taken Mr. Molteno's advice as to the disposition of the Imperial forces, and the control of the campaign by the Colonial Government, he would have been 'fitter for a lunatic asylum than the office I have the honour to hold.'¹

It is a sufficient commentary on this to point out that Mr. Molteno's advice was followed by the Imperial Government, which withdrew all Imperial troops from the Colony, and allowed no Imperial officer to take any part in the native war which arose out of Sir Bartle Frere's disarmament policy, while the Governor also was requested to and did remain at Cape Town, and not at the seat of war as he claimed he should do.

But more than all this, the *ex parte* statement had gone to the Secretary of State for the Colonies (then Sir Michael Hicks-Beach, Lord Carnarvon having resigned in the early part of the year), and to this we have already referred, pointing out that the Secretary of State had misapprehended

¹ C. P., A. 2—'78, p. 33.

the points at issue between the Governor and his Ministry, and thought that the military operations were proposed to be carried on without the Governor's consent. This despatch was now published, showing that on this incorrect information, Sir Michael Hicks-Beach had approved the view of the Governor that he should not be ignored, which was, of course, perfectly correct, and had expressed surprise that the Ministers should have hesitated to subordinate their opinions to the Governor's, looking to the fact of his being High Commissioner. It stated that responsible government as established at the Cape had been subject to a limitation not elsewhere required, and approved generally the Governor's action so far as the information before him went; but stated that Sir Bartle Frere should take the earliest possible opportunity of affording such full explanations to his Parliament, as might enable a clear and impartial judgment to be formed upon the course adopted. Parliament, then, was to this extent influenced in its decision by the fact that the Secretary of State had given his approval to the action of the Governor.¹

And even now, when the papers were produced, they were put forward in such an imperfect and disorderly manner, that it became next to impossible for any individual not possessing the clue to unravel them.² The correspondence, me-

¹ Speaking at Bristol on November 9, 1899, Sir M. Hicks-Beach admitted that he had at this time made mistakes in South Africa. He said 'he had some knowledge of the South African problem. Twenty years ago it was his fate as Colonial Secretary to have to deal with it, and he feared that there was no man among those who had borne that responsibility who could truthfully say that he had been free from mistakes. He himself pleaded guilty to serious mistakes.'—*Times*, November, 1899.

² The confusion, which certainly looks intentional, in the Blue-books of this period is referred to as follows by Bishop Colenso:—'I am occupied in digesting the Blue-books for the use of M.P.'s and other friends here and at home, who take a living interest in these affairs; for I will defy anyone to get a true idea of the case from the confused despatches in the Blue-books (where the affairs of the Cape Colony, Eastern Frontier, Griqualand East, Griqualand West, Basutoland, Pondoland, Transvaal, Natal, and Zululand, are all mixed up "higgledy-piggledy," without any attempt at arrangement), without an enormous amount of labour, which no public man can be expected to undertake.'—*Life of Bishop Colenso*, vol. ii. p. 513.

moranda, and minutes presented by the new Ministry consisted in the first place of two Minutes dated the 8th of December and the 26th of December, headed 'For Ministers.' It would naturally have been thought that these Minutes had been placed before the Prime Minister on or about the dates that they were signed by the Governor. No information was afforded that they were not so placed before the Prime Minister. The whole debate was conducted on the assumption that they were so placed before the Prime Minister. Yet such was not the case. They were not shown to Mr. Molteno until the 13th of January.¹

The Minutes themselves were submitted to Mr. Merriman at an earlier date, but the Governor himself informed Mr. Merriman that they were merely suggestions for a scheme of defence to be drawn up for the ensuing session of Parliament, and when Mr. Merriman said that the Minute 'is a Bill of Indictment against present and past Governments,' the Governor replied that it was not so intended. 'I wish simply to lay before Parliament the measures which I think a good Government ought to take, in order to prevent a recurrence of the present state of things if possible;' and further, 'My object was and is to have something definite before Parliament assembles.'² But these remarks of the Governor did not appear in the papers, and the latter were now put forward as a sort of indictment against the Ministers, yet when looked at they are seen to be suggestions of the character which the Governor stated. It is to be noted that they suggested that there should be responsible parliamentary Ministers for military affairs and police, as well as for native affairs, upon which it is only necessary to remark that this was quite impracticable, and never carried out subsequently.

¹ Proof of this will be found at page 85 of *C. P.*, A.17—'78, where Mr. Lyttleton states that they were submitted to Mr. Molteno on Sunday, the 13th of January.

² Notes in Sir Bartle Frere's handwriting initialed on the copy of Mr. Merriman's reply to the Minute.

Upon the opening of Parliament which took place on the 18th of May, 1878, Mr. Molteno immediately objected, on seeing the dismissal papers, to the printing of the memorandum of the conversation between himself and the Governor marked 'private and confidential,' which we have already given. He said that he did not see how business was to be carried on between the Governor and his Ministry if there were to be no confidential conversation at all. He did not mind whether these papers were printed or not, but he should be sorry to give his vote to the establishment of such a precedent, which he thought would be disastrous in the extreme. He then detailed the circumstances under which these were written, and said that he did not think they were necessary for the decision of the question at issue. To this Mr Sprigg replied that in his opinion the documents were necessary for the House to understand the position between the Governor and his late Ministry.

A discussion took place subsequently upon the publication of a confidential telegram between Mr. Molteno and Mr. Merriman, to which Mr. Molteno took exception. The Governor desired to publish this telegram, but Mr. Sprigg himself thought that it was going too far, and said he would advise the Governor that it should not be sent down to the House, and he admitted that the minutes of the Executive Council of the 3rd and 6th of February had not been seen by Mr. Molteno. Mr. Molteno said that if they had been submitted to him, they would have appeared in a different form; and as to the minute of the 6th of February, from the way in which it appeared in the Blue-books, the reader would suppose that it was a communication in the ordinary course.

Very shortly after the opening of Parliament, the debate on the dismissal of the Ministry was raised by three resolutions of Mr. Merriman:—

(1) That in the opinion of this House, the control over the colonial forces is vested in his Excellency the Governor only,

acting under the advice of his Ministers ; (2) That it was not within the constitutional functions of his Excellency the Governor to insist on the control and supply of the colonial forces being placed under the military authorities, except with the consent of Ministers ; (3) That the action taken by his Excellency the Governor in that matter has been attended with results prejudicial to the Colony, and has delayed the termination of the rebellion.

In a very able speech Mr. Merriman gave a complete history of the operations which had been carried on with so much success by Commandant Griffith when he swept the Transkei in less than a month. He showed the tremendous delays which had taken place since the military were put in command there, particularly the errors in abandoning Impetu and permitting Khiva to escape into the Gaika location. He pointed with legitimate pride to the fact that the Colonial commissariat had been able to supply the troops successfully, that not a single man had died from want or disease, indeed not a single man died of sickness of any kind while the campaign was under the control of the Colonial Government. He referred to the success of the operations conducted by Commandants Frost and Brabant, pointing out how they had broken up the Gaikas, in fact if they had been followed up the whole war would have been over ; and further he showed how the action of Commandants Griffith, Frost, Rorke and Mr. Hemming had nipped in the bud the disaffection of Gongobella and the Tambookies. This was the last of the operations by the Colonial Government, who had successfully cleared Galekaland, and broken up the Gaikas and the Tambookies.

He contrasted the position of the war on the 3rd of February, when they ceased to hold office, with the manner in which it had extended under their successors. On the 3rd of February not a single hostile Kaffir had come across the East London Railway line. The Gaika location was completely cleared, having been crossed in every direction. Not a single Kaffir had come across the

Gonubie. The Amatolas were carefully guarded, while a strong force was under orders to go and strengthen the guard. The Perie bush was also carefully guarded. Immediately on the dismissal the military were placed in supreme command, with the result of absolute lethargy in the operations. The risings spread in every direction. Sandilli escaped into the Amatolas, and months had been occupied in ineffectual operations carried on at an enormous cost. The Colonial forces, he showed, were ample to deal with the whole outbreak. There were altogether no less than 3,000 Europeans and 2,000 natives, which was fully sufficient to put down any native rising. In the East London Division under Commandant Brabant we had 516 Europeans and 463 natives, in the Amatola Division 428 Europeans and 237 natives, in the Queen's Town Division 723 Europeans and 300 natives, in the Transkei 130 Europeans and 300 natives, and in the Tambookie Division 445 Europeans and 600 natives. In addition to these we had other reinforcements on their way up. Finally he showed how the Governor had been fully informed of all these operations carried on by the Colonial troops; though he had refused to take the responsibility, he had not said that he would not permit them.

In the debate there was a general avoidance on the part of the Government of grappling with the real issue. The late Ministry was blamed for not having taken steps towards a better defensive organisation. All the eastern members naturally went against the late Ministers, while many of them stated that the whole question was an exceedingly difficult one for them to understand. The new Attorney-General, Mr. Upington, made a somewhat flippant speech. He confessed that in regard to Commandants Frost and Brabant, even he did not claim for her Majesty's officers the actual power to command these gentlemen, but he blamed the late Ministry because the Governor had to get from another quarter information of the intended movements of the forces.

For his disquisition on the position of the Crown and its prerogatives, he found it necessary to quote such authorities as Ewald on 'The Crown and its Advisers,' as well as Chitty on the prerogatives of the Crown, the latter book dating back to 1820. He repeated in a somewhat half-hearted way that Mr. Merriman signed commissions without the consent of the Governor.

Mr. Molteno then spoke, and began by pointing out the position in which he was placed and the difficulty under which he laboured. He had suddenly been called to the frontier from his office in Cape Town, from which he had been away forty days, daily expecting to return; he was suddenly dismissed at King William's Town, he had been unable to obtain access to his office, and consequently had no records. He gave evidence of the fullest sense of responsibility under which he spoke, and the extreme gravity of the position in regard to the bearing of the Governor's action upon responsible government, not only in that Colony, but in South Africa generally. He said:—

I have often had to address this House on important questions during my long stay here, and I have had to fight many a battle, generally speaking attended with success, but there could be no more important occasion than this. The honour was given to me of fighting the battle of the privileges of this Colony, and I have so far succeeded. Others might have acted as effectively, but it was left to me, and I did it, and the colonists have succeeded in attaining that, without which representative institutions would be incomplete and imperfect, namely, responsible government. We got that, and what am I called upon to do to-day, sir? I feel myself in this position. You have fought for those privileges and brought them down to a successful issue, but now the exigencies of the case demand that you should still fight and defend them. You have to witness a violent assault made on those rights and privileges, and you must stand in the breach and defend them. Let not colonists think the privileges gained in this manner are to be easily surrendered, they will not be soon recovered again. A Colony or a nation that is unwilling to fight to maintain its rights is not worthy to have them.

This is not a question of to-day or to-morrow, but, as the

hon. member for Cape Town said, it is a question which affects this country for all time. We have families and children growing up, and we are bound, I say, to hand down to them, unimpaired, the rights we have fought for and obtained. I have a large family, as many others have, and I feel bound to do this. It was said by some at one time that this Colony was not ripe for a responsible government, but, be that as it may, we shall be watched very closely now, depend upon it, and if we are willing so easily to surrender or give up our valuable privileges it will be a bad thing for us. I hope this Colony, come what will, will resolve to defend these privileges. But, said the hon. Attorney-General—and there I agree with him—if you want to maintain your privileges, go the right way about it, and you must not take steps which will not bear looking into, and which the world will say are wrong. I want to show the House the true position of this present question. I think it is no disrespect to the gentleman who holds the high position of Governor in this Colony to say that a very high-handed policy has been adopted in turning out a set of Ministers in the short space of a fortnight, in hurling them from office, and treating them as if they were guilty of some great offence against the country. I say that is a most serious responsibility for a Governor to take upon himself, and it will be considered so before long, if it is not now.

He maintained the debate at the high level of the great principles involved. There was no personal feeling in the matter whatever; the disastrous effects of this action on the future of South Africa were fully apparent to him; the solution of the difficulties of the government of South Africa by the working of responsible government would be 'imperilled if not fatally affected.'

No one could have a higher respect for the Governor than I have, although I cannot agree in this course he has taken. That I am entitled to say, but I have the highest respect for his Excellency, and I feel sorry he has taken that course, for I feel sure it cannot be sustained and will ultimately be defeated. The policy which has been adopted must have a prejudicial effect upon constitutional government all over the world, and especially in this continent. Here are we talking about Confederation, and holding up to independent states the advantages and privileges they are likely to gain by coming in, but when they hear of this they will stand aghast and ask 'Is that the effect of responsible government ?

We thought it was a very different thing.' At one fell swoop the whole thing is carried away, and the Imperial dictate prevails. I contend that it will do immeasurable injury so far as regards the question of the future government of this country if this matter is allowed to pass over lightly.

He contended that whatever the shortcomings of the late Government might be, whether in the conduct of the war or otherwise, the praise or blame for their conduct should be awarded by that House and not by the Governor. He maintained that that House was the proper tribunal to criticise them. The Governor had contended that he had an independent power, and that he was commander by right over the Colonial forces, and could do as he liked, but speaking as Premier he had replied that he had no right to do it except with the advice of his Ministers, and 'it was upon that sole contention we were dismissed.'

In regard to the operations carried on by Messrs. Frost and Brabant he said that had the Governor insisted on vetoing these operations he would have resigned at once, but the Governor did not do so. In regard to the charge that he had ignored the Governor:—

So far from ignoring the Governor, I kept him informed on every point, and telegrams were sent up as soon as they were received. I kept a messenger for the express purpose, who was continually running up and down. When colonial operations were to take place under Commandants Frost and Brabant, the plans and instructions were submitted to the Governor, and I had good reason to believe his Excellency acquiesced in them. I positively informed the Governor that men would not come forward if they were to be placed under military control, and I had telegrams from all parts to that effect. I pointed out in the strongest possible terms that we could get no service if these men were to be under the military, and the result would be that the Colony would be discredited in England. It would be said there, 'Is it not shameful that in a Colony having responsible government like the Cape of Good Hope they are not able to defend themselves?' I admit there may not have been such an excellent defence organisation as there might have been, but still, a volunteer is better any day than a pressed man, and we had any

amount of excellent material coming forward. I represented to the Governor that he was spoiling the whole thing, and that the men would not work under military control.

As I have said already, I submitted to the Governor the instructions to Frost and Brabant and the plans for their operations. His Excellency did not positively say he disapproved of them or otherwise. I said 'Does your Excellency veto them?' 'No,' he said, 'but I will not be responsible for them.' I said, 'Your Excellency, the responsibility rests with your Ministers, but we advise this—does your Excellency stop it?' The Governor said that if the instructions were carried out the Ministers must take the responsibility, and upon this we at once sent off the instructions to the commandants. I want to know from the hon. the Secretary for Native Affairs whether that is ignoring the Governor. He is not addressing his constituents now, but is here in the presence of Parliament, and let him justify that assertion of his. I maintain that the Ministry thoroughly and completely followed and recognised the Governor and consulted him in every way. I knew that it would never do for the colonial forces to be subject to the military control, and if I had thought that his Excellency persisted in that course *I would have tendered my resignation forthwith.*

I said to Colonel Bellairs that I did not attempt to arrogate to myself, or to understand, military affairs. If you are going to besiege Plevna or carry on military operations in a civilised country, it is a different thing, but the military have no knowledge of Kaffir warfare, which is best left to colonial forces. At the same time I say, had the Governor forbidden these operations and insisted on military command, I would have tendered my resignation at once. Volunteers were coming forward most gallantly from all parts, and I only wish the Colonial Secretary and certain others had taken the example from them, and instead of trying to harass the Government in every possible way had worked together for the common good, and put aside all political contentions. That is what is done in other countries at a time when great danger threatens. It does not matter who is in office, the great thing is to repel the enemy. I say it was a most cruel thing when volunteers were thus coming forward, when our operations were being attended with success, and when we were cutting up the enemy in every direction, and when probably another fortnight would have put an end to the whole thing, to go and upset everything. . . .

It was most detrimental to the interests of this Colony that a change should take place at that particular time, and I can only regard it as a great misfortune. Then comes the question

who is to pay for all this, and the best of it is, pay for it when it is of no use, besides your credit taken away in England. They will say 'Look at these fellows at the Cape dragging away British soldiers when there is other work for them to do; what a set they are, and now they refuse to pay!' I say I do not like to see the Colony placed in such a position, and to see ourselves shown up in the 'Times' newspaper and elsewhere. When the hon. Colonial Secretary talked so much about making an *ad misericordiam* appeal, I must say I felt aggrieved; I say, what we are liable for we will pay, and that is all, but to go down on its knees and make an *ad misericordiam* appeal to the Home Government, I hope this Colony will never do that, whatever Ministry may be in power.¹

. . . I say we would have got on very well without the Imperial troops; there is plenty of work for them to do in Europe, that is the place for them, and not trying to hunt Kaffirs in the bush, which it is impossible for them to do successfully. The colonists can carry on that sort of warfare a good deal better.

After Mr. Molteno had spoken the Speaker (Sir David Tennant, who had been knighted at the beginning of this session), to the surprise of everyone intervened, and said that the last two resolutions were unconstitutional. The Attorney-General had not objected to them, and it was strange that at that period of the debate such action should have been taken by the Speaker. The motions had been on the paper for several days, and the Speaker should have interfered much earlier if it were necessary to have them set right. Thereupon the debate was adjourned, and Mr. Merriman changed the word 'was' into 'is' in the second resolution, and added a third resolution which ran as follows:—

That the assumption of the command of the colonial forces by Sir A. Cunynghame in January last, contrary to the advice of Ministers, was not justified or advisable under the existing circumstances.

¹ We may easily understand how painful and humiliating was the position in which the Colony was now placed to Mr. Molteno, who had held its position so high before the world. As to the Imperial troops, he reiterated the fact that they were needed elsewhere, and were unsuited for Kaffir warfare.

And to this an amendment was moved by Mr. Maasdorp that the House, having before it all the papers connected with the late change of Ministry, does not see that the doctrine that the Governor controls the colonial forces under the advice of his Ministry has been called in question by the Governor; but, on the contrary, is strongly affirmed; and the House is of opinion that, under all the circumstances of the case, the removal from office of the late Ministry was unavoidable.

The late Ministry had been placed in a difficult position by the action of the Speaker, but Mr. Merriman's substituted resolution was an unfortunate one. There can be no question that the incoming Ministry were responsible for the act of the Governor in dismissing his Ministers, and this should have been raised in some definite form.

Mr. Stockenstrom the late Attorney-General now made an important speech. He showed how the Governor had ignored the Ministry in deposing Kreli, how he had acted in the Transkei and was entitled to act should he choose so to do, without the consent of his Ministers, who had advised that Kreli should be promptly attacked and followed up before he had time to perfect his plans. He said:—

But the Ministers were told 'Oh, no, you gentlemen of this Colony carry on matters with a high hand; leave it to the Governor.' Who was it who said that? was it the Premier? No, it was not the Premier, but someone said so. And someone also said, 'I will go to Kreli myself, and I will talk to him and bring him to his bearings'; and it was not the Premier who said that, but he who said so went to talk to Kreli, but wasted time in doing so, and at the same time the forces of the police were worn out by awaiting the result until there was not a man fit to sit in the saddle, nor a horse, owing to the drought, fit to carry him. He believed that the Police force broke down solely because it was allowed to waste its strength and freshness before it was hurled against the enemy, and because the men were allowed to become weary and disgusted with their inaction before they were moved forward for active operations.

He then showed how the Governor refused larger forces, while the Ministers said that unless something more decisive

were done Sandilli would rise, and the rebellion would spread further and further. And when he advised the Burgher Act to be put in force the Governor said 'No, I do not agree with the Attorney-General; if we do that the civil war will be precipitated and the Gaikas will be massacred.' After that the Gaikas rose, and still Ministers were told when they urged decisive action that they were getting unnecessarily excited, and that matters would be arranged, and that someone would go up to settle matters with Sandilli. A Commissioner was sent up, but the Gaikas broke out, and then messages were sent for the volunteers, and the Governor became impatient because the volunteers who had been told not to come did not immediately appear.

He stated, in regard to the charge that the Ministers had attempted to deprive the Governor of the control of the Colonial forces,—

there was nothing except the ex post facto statement of the Governor to bear out such a charge. The Governor, writing to him, said that he was obliged to part with those gentlemen because they had treated him in that way, and when he saw that statement he stood aghast, because if they had done that they had taken up a position which he knew they could not maintain. And when he saw it stated that they were upheld in their course by the Attorney-General, he could only say that those who made that statement were as much in the dark as he hoped was his Excellency the Governor, when he brought that charge against the two Ministers who were with him on the frontier. But he (Mr. Stockenstrom) could find nothing of the kind in the Blue-book, and he failed to see any evidence whatever in black and white that his late colleagues, the hon. member for Beaufort West and the hon. member for Wodehouse, desired to deprive his Excellency the Governor of the command of the colonial forces. They knew very well that those forces must be under the control of the representative of the Crown, subject to the advice of his constitutional advisers, and he could not himself, as their legal adviser, for one moment have thought they wished to appoint anyone to such an office as that of commander of colonial forces without the approval of his Excellency the Governor.

He claimed that the Governor was bound to accept the advice of Ministers, unless such advice were against the law or against the integrity of the Empire, and he challenged the Attorney-General to show that there was any such advice given by the Ministers.

Then he entirely disposed of a very important matter. We have already seen that the Governor in a despatch subsequent to the dismissal said that illegal appointments had been made.

But hon. members might say that when they found they could not carry out their own way the Ministers ignored the Governor and did a number of illegal acts which the Governor was bound to put his foot upon. But where was the proof of that? Who were the officers appointed by Ministers against the wish of the Governor? Was Commandant Frost or Commandant Brabant one of them? No, that could not be, because in one Blue Book the Governor said that the instructions issued to those gentlemen were laid before him, and that although he considered it dangerous for those instructions to be carried out, yet he would not oppose them, although he would not be responsible for them, upon which the hon. members for Beaufort West and Wodehouse said they would accept full responsibility for them. Well, if the objection did not apply to Mr. Frost or Captain Brabant there was Mr. Hemming, the magistrate at Queenstown: was his one of the appointments made against the wish of the Governor? The hon. gentleman now at the head of the Government shook his head at that question, but if it were not Mr. Hemming, who was it who was appointed against the wish of the Governor?

If hon. gentlemen opposite could show that the late Ministry appointed one single officer against the wish of the Governor, then he (Mr. Stockenstrom) had no case: but could they show him such an appointment? Personally he did not know anything about Gongo-bella's affair, as he was not on the frontier at the time. He did not defend his late colleagues in the late Government, nor did he blame them, because he knew nothing about it, but he knew that Gongo-bella had been crushed out, and he had heard people living on the frontier say that if it had not been done the war would have spread into the Tamba location. Mr. Hemming, however, was not appointed as a military officer. As he (Mr. Stockenstrom) understood, Mr. Hemming went there to arrest certain criminals, and he went not as a military officer, but merely as an ordinary magistrate.

But if not Mr. Hemming, whose appointment was it with regard to which the late Ministry were accused of ignoring the Governor? Was it Mr. Griffith? The Governor said he did not sign the commission for the appointment of Mr. Griffith, but the Ministers said he did sign one, and he (Mr. Stockenstrom) could not himself say who was right or who was wrong in those contradictory statements.¹ It was, therefore, quite possible that the Governor had signed the document and had forgotten it, and it was just possible that he might not have signed it, as the hon. member for Beaufort West said he had done, and yet that hon. member might feel fully convinced that his Excellency did sign it. There might be a mistake either way, but no one in this House could think even for a moment that either of the two gentlemen concerned in the matter would tell a wilful and deliberate falsehood about it. And even if the Governor did not sign the appointment it is quite clear that he did call Mr. Griffith 'Commandant-General.' But whether Mr. Griffith was legally and formally appointed Commandant-General or not, he was at the head of the forces in this country which had been legally raised for the arresting of criminal offenders. And then in one document the Governor mentions Mr. Griffith as Commandant-General, and asks under what instructions he is to act, without taking any objection upon the ground that he had not himself signed the appointment. The House, however, had not sufficient information to enable them to decide who was right and who was wrong as to that appointment, but it was the unquestioned fact that there were certain duties which Mr. Griffith was competent, as chief of the police, to perform. He (Mr. Stockenstrom) would give the hon. gentlemen opposite an opportunity of discussing the question from any point of view, but where could the appointments objected to be found?

Certain subordinate volunteer officers' appointments had been referred to as appearing in a King William's Town paper. To this Mr. Stockenstrom replied:—

No, it was not to be inferred that those appointments were not authorised by the Governor, because they did not bear his signature at the bottom, as the words 'by the Governor's authority' were used. He himself had known many cases where appointments had been made and not signed by the Governor, and yet bore the words 'by the Governor's authority,' and although the

¹ The public notice of Commandant Griffith's appointment as Commandant-General had not been produced until the debate was finished. It will be found in note 1, *supra.*, p. 302.

hon. Attorney-General was gay and sprightly enough now when he was new to the office, perhaps, when he had been in office as long as the hon. member for Beaufort West, he might append his signature to many documents of that kind without laying the documents before the Governor. He himself (Mr. Stockenstrom) had signed many documents without doing that. He had signed many appointments for justices of the peace when his hon. friend the member for Beaufort West was absent without his Excellency the Governor knowing anything about it; and yet, although the Governor knew nothing about the matter, he as a matter of form had said that he made the appointment by order of the Governor. It was a mere form. How could the Governor know whether a person to whom a commission of the peace, for instance, was proposed to be issued was a proper person? His Minister was responsible for the appointment, and the Governor's name was used as a matter of form. If the Prime Minister were to trouble his Excellency with every such document before issuing it, he would soon be sent about his business as a troublesome fellow. Well, that was the great charge against the late Ministry, and he was very glad they had had an opportunity of going into it. There was the paper containing the appointments, and let the hon. members look at it. When the hon. member for Wodehouse went up to the frontier to give advice to the Governor, he found himself in a bit of a muddle for want of clerical assistance. He (Mr. Stockenstrom) believed that hon. member had not a single clerk to assist him until afterwards, when he (Mr. Stockenstrom) asked that a clerk should be sent up, and one went up to assist him. The hon. member had written about 3,500 telegrams in two months, and if the whole case against him was that certain advertisements had been issued by him with an informal heading, that was a mere absurdity.

This absolutely disposed of the complaint that had been made by the Governor *ex post facto* as to illegal appointments. They were clearly matters of official administrative routine which were suitable to be dealt with by that Minister who was officially in charge of them, and of such a character as are not usually submitted to the Crown.¹

During the debate Mr. Stigant, who had himself served

¹ See Todd, *Parliamentary Government in England*, 2nd edition, vol. ii. p. 14.

with distinction in the Transkei with the Cape Town Artillery, pointed out that the Governor's statement to the deputation at King William's Town as to disarmament 'had had a very bad effect on the natives,' while further that the way in which Confederation had been introduced also produced a bad effect, tending to lead the natives to the conclusion that the white men were about to combine to crush them, and that they must therefore combine for their own defence. He pointed out in detail the incompetency of the military authorities. Sir Bartle Frere had said to the Colonial Secretary that he could observe no want of harmony between the Imperial troops and the Colonial, but the debate gave ample evidence of this, as the speeches of Messrs. Frost, Brabant, and Stigant testify.

Mr. Sprigg, in regard to the Minute which Mr. Moltano had called for appointing Commandant Griffith, but which had not been forthcoming, admitted that the Governor had called him Commandant Griffith, and that he was aware that the notice of his appointment had been published in the 'Gazette.'¹ He maintained, however, there was a mistake in regard to this question, and added 'to this day I have never informed him that there is any doubt about the legality of his appointment . . . he commands the colonial troops, and is to a considerable extent independent of the military authorities.' Mr. Sprigg also, as we have already shown, admitted that he was wrong in stating in his speech at East London that Mr. Moltano had refused to summon Parliament.

Mr. Sprigg read a memorandum from Mr. Brownlee to the Governor which had never been seen by other Ministers, a point which Mr. Stockenstrom immediately took up, and showing that the Governor had no right to go to one Minister behind the back of the Premier, for he thus introduced an element of disruption into the Constitution. He said,

¹ See p. 302, note 1, *supra*.

hon. member for Cape Town said, it is a question which affects this country for all time. We have families and children growing up, and we are bound, I say, to hand down to them, unimpaired, the rights we have fought for and obtained. I have a large family, as many others have, and I feel bound to do this. It was said by some at one time that this Colony was not ripe for a responsible government, but, be that as it may, we shall be watched very closely now, depend upon it, and if we are willing so easily to surrender or give up our valuable privileges it will be a bad thing for us. I hope this Colony, come what will, will resolve to defend these privileges. But, said the hon. Attorney-General—and there I agree with him—if you want to maintain your privileges, go the right way about it, and you must not take steps which will not bear looking into, and which the world will say are wrong. I want to show the House the true position of this present question. I think it is no disrespect to the gentleman who holds the high position of Governor in this Colony to say that a very high-handed policy has been adopted in turning out a set of Ministers in the short space of a fortnight, in hurling them from office, and treating them as if they were guilty of some great offence against the country. I say that is a most serious responsibility for a Governor to take upon himself, and it will be considered so before long, if it is not now.

He maintained the debate at the high level of the great principles involved. There was no personal feeling in the matter whatever; the disastrous effects of this action on the future of South Africa were fully apparent to him; the solution of the difficulties of the government of South Africa by the working of responsible government would be 'imperilled if not fatally affected.'

No one could have a higher respect for the Governor than I have, although I cannot agree in this course he has taken. That I am entitled to say, but I have the highest respect for his Excellency, and I feel sorry he has taken that course, for I feel sure it cannot be sustained and will ultimately be defeated. The policy which has been adopted must have a prejudicial effect upon constitutional government all over the world, and especially in this continent. Here are we talking about Confederation, and holding up to independent states the advantages and privileges they are likely to gain by coming in, but when they hear of this they will stand aghast and ask 'Is that the effect of responsible government?'

We thought it was a very different thing.' At one fell swoop the whole thing is carried away, and the Imperial dictate prevails. I contend that it will do immeasurable injury so far as regards the question of the future government of this country if this matter is allowed to pass over lightly.

He contended that whatever the shortcomings of the late Government might be, whether in the conduct of the war or otherwise, the praise or blame for their conduct should be awarded by that House and not by the Governor. He maintained that that House was the proper tribunal to criticise them. The Governor had contended that he had an independent power, and that he was commander by right over the Colonial forces, and could do as he liked, but speaking as Premier he had replied that he had no right to do it except with the advice of his Ministers, and 'it was upon that sole contention we were dismissed.'

In regard to the operations carried on by Messrs. Frost and Brabant he said that had the Governor insisted on vetoing these operations he would have resigned at once, but the Governor did not do so. In regard to the charge that he had ignored the Governor:—

So far from ignoring the Governor, I kept him informed on every point, and telegrams were sent up as soon as they were received. I kept a messenger for the express purpose, who was continually running up and down. When colonial operations were to take place under Commandants Frost and Brabant, the plans and instructions were submitted to the Governor, and I had good reason to believe his Excellency acquiesced in them. I positively informed the Governor that men would not come forward if they were to be placed under military control, and I had telegrams from all parts to that effect. I pointed out in the strongest possible terms that we could get no service if these men were to be under the military, and the result would be that the Colony would be discredited in England. It would be said there, 'Is it not shameful that in a Colony having responsible government like the Cape of Good Hope they are not able to defend themselves?' I admit there may not have been such an excellent defence organisation as there might have been, but still, a volunteer is better any day than a pressed man, and we had any

amount of excellent material coming forward. I represented to the Governor that he was spoiling the whole thing, and that the men would not work under military control.

As I have said already, I submitted to the Governor the instructions to Frost and Brabant and the plans for their operations. His Excellency did not positively say he disapproved of them or otherwise. I said 'Does your Excellency veto them?' 'No,' he said, 'but I will not be responsible for them.' I said, 'Your Excellency, the responsibility rests with your Ministers, but we advise this—does your Excellency stop it?' The Governor said that if the instructions were carried out the Ministers must take the responsibility, and upon this we at once sent off the instructions to the commandants. I want to know from the hon. the Secretary for Native Affairs whether that is ignoring the Governor. He is not addressing his constituents now, but is here in the presence of Parliament, and let him justify that assertion of his. I maintain that the Ministry thoroughly and completely followed and recognised the Governor and consulted him in every way. I knew that it would never do for the colonial forces to be subject to the military control, and if I had thought that his Excellency persisted in that course *I would have tendered my resignation forthwith.*

I said to Colonel Bellairs that I did not attempt to arrogate to myself, or to understand, military affairs. If you are going to besiege Plevna or carry on military operations in a civilised country, it is a different thing, but the military have no knowledge of Kaffir warfare, which is best left to colonial forces. At the same time I say, had the Governor forbidden these operations and insisted on military command, I would have tendered my resignation at once. Volunteers were coming forward most gallantly from all parts, and I only wish the Colonial Secretary and certain others had taken the example from them, and instead of trying to harass the Government in every possible way had worked together for the common good, and put aside all political contentions. That is what is done in other countries at a time when great danger threatens. It does not matter who is in office, the great thing is to repel the enemy. I say it was a most cruel thing when volunteers were thus coming forward, when our operations were being attended with success, and when we were cutting up the enemy in every direction, and when probably another fortnight would have put an end to the whole thing, to go and upset everything. . . .

It was most detrimental to the interests of this Colony that a change should take place at that particular time, and I can only regard it as a great misfortune. Then comes the question

who is to pay for all this, and the best of it is, pay for it when it is of no use, besides your credit taken away in England. They will say 'Look at these fellows at the Cape dragging away British soldiers when there is other work for them to do; what a set they are, and now they refuse to pay!' I say I do not like to see the Colony placed in such a position, and to see ourselves shown up in the 'Times' newspaper and elsewhere. When the hon. Colonial Secretary talked so much about making an *ad misericordiam* appeal, I must say I felt aggrieved; I say, what we are liable for we will pay, and that is all, but to go down on its knees and make an *ad misericordiam* appeal to the Home Government, I hope this Colony will never do that, whatever Ministry may be in power.¹

. . . I say we would have got on very well without the Imperial troops; there is plenty of work for them to do in Europe, that is the place for them, and not trying to hunt Kaffirs in the bush, which it is impossible for them to do successfully. The colonists can carry on that sort of warfare a good deal better.

After Mr. Molteno had spoken the Speaker (Sir David Tennant, who had been knighted at the beginning of this session), to the surprise of everyone intervened, and said that the last two resolutions were unconstitutional. The Attorney-General had not objected to them, and it was strange that at that period of the debate such action should have been taken by the Speaker. The motions had been on the paper for several days, and the Speaker should have interfered much earlier if it were necessary to have them set right. Thereupon the debate was adjourned, and Mr. Merriman changed the word 'was' into 'is' in the second resolution, and added a third resolution which ran as follows:—

That the assumption of the command of the colonial forces by Sir A. Cunynghame in January last, contrary to the advice of Ministers, was not justified or advisable under the existing circumstances.

¹ We may easily understand how painful and humiliating was the position in which the Colony was now placed to Mr. Molteno, who had held its position so high before the world. As to the Imperial troops, he reiterated the fact that they were needed elsewhere, and were unsuited for Kaffir warfare.

And to this an amendment was moved by Mr. Maasdorp that the House, having before it all the papers connected with the late change of Ministry, does not see that the doctrine that the Governor controls the colonial forces under the advice of his Ministry has been called in question by the Governor; but, on the contrary, is strongly affirmed; and the House is of opinion that, under all the circumstances of the case, the removal from office of the late Ministry was unavoidable.

The late Ministry had been placed in a difficult position by the action of the Speaker, but Mr. Merriman's substituted resolution was an unfortunate one. There can be no question that the incoming Ministry were responsible for the act of the Governor in dismissing his Ministers, and this should have been raised in some definite form.

Mr. Stockenstrom the late Attorney-General now made an important speech. He showed how the Governor had ignored the Ministry in deposing Kreli, how he had acted in the Transkei and was entitled to act should he choose so to do, without the consent of his Ministers, who had advised that Kreli should be promptly attacked and followed up before he had time to perfect his plans. He said:—

But the Ministers were told 'Oh, no, you gentlemen of this Colony carry on matters with a high hand; leave it to the Governor.' Who was it who said that? was it the Premier? No, it was not the Premier, but someone said so. And someone also said, 'I will go to Kreli myself, and I will talk to him and bring him to his bearings'; and it was not the Premier who said that, but he who said so went to talk to Kreli, but wasted time in doing so, and at the same time the forces of the police were worn out by awaiting the result until there was not a man fit to sit in the saddle, nor a horse, owing to the drought, fit to carry him. He believed that the Police force broke down solely because it was allowed to waste its strength and freshness before it was hurled against the enemy, and because the men were allowed to become weary and disgusted with their inaction before they were moved forward for active operations.

He then showed how the Governor refused larger forces, while the Ministers said that unless something more decisive

were done Sandilli would rise, and the rebellion would spread further and further. And when he advised the Burgher Act to be put in force the Governor said 'No, I do not agree with the Attorney-General; if we do that the civil war will be precipitated and the Gaikas will be massacred.' After that the Gaikas rose, and still Ministers were told when they urged decisive action that they were getting unnecessarily excited, and that matters would be arranged, and that someone would go up to settle matters with Sandilli. A Commissioner was sent up, but the Gaikas broke out, and then messages were sent for the volunteers, and the Governor became impatient because the volunteers who had been told not to come did not immediately appear.

He stated, in regard to the charge that the Ministers had attempted to deprive the Governor of the control of the Colonial forces,—

there was nothing except the ex post facto statement of the Governor to bear out such a charge. The Governor, writing to him, said that he was obliged to part with those gentlemen because they had treated him in that way, and when he saw that statement he stood aghast, because if they had done that they had taken up a position which he knew they could not maintain. And when he saw it stated that they were upheld in their course by the Attorney-General, he could only say that those who made that statement were as much in the dark as he hoped was his Excellency the Governor, when he brought that charge against the two Ministers who were with him on the frontier. But he (Mr. Stockenstrom) could find nothing of the kind in the Blue-book, and he failed to see any evidence whatever in black and white that his late colleagues, the hon. member for Beaufort West and the hon. member for Wodehouse, desired to deprive his Excellency the Governor of the command of the colonial forces. They knew very well that those forces must be under the control of the representative of the Crown, subject to the advice of his constitutional advisers, and he could not himself, as their legal adviser, for one moment have thought they wished to appoint anyone to such an office as that of commander of colonial forces without the approval of his Excellency the Governor.

He claimed that the Governor was bound to accept the advice of Ministers, unless such advice were against the law or against the integrity of the Empire, and he challenged the Attorney-General to show that there was any such advice given by the Ministers.

Then he entirely disposed of a very important matter. We have already seen that the Governor in a despatch subsequent to the dismissal said that illegal appointments had been made.

But hon. members might say that when they found they could not carry out their own way the Ministers ignored the Governor and did a number of illegal acts which the Governor was bound to put his foot upon. But where was the proof of that? Who were the officers appointed by Ministers against the wish of the Governor? Was Commandant Frost or Commandant Brabant one of them? No, that could not be, because in one Blue Book the Governor said that the instructions issued to those gentlemen were laid before him, and that although he considered it dangerous for those instructions to be carried out, yet he would not oppose them, although he would not be responsible for them, upon which the hon. members for Beaufort West and Wodehouse said they would accept full responsibility for them. Well, if the objection did not apply to Mr. Frost or Captain Brabant there was Mr. Hemming, the magistrate at Queenstown; was his one of the appointments made against the wish of the Governor? The hon. gentleman now at the head of the Government shook his head at that question; but if it were not Mr. Hemming, who was it who was appointed against the wish of the Governor?

If hon. gentlemen opposite could show that the late Ministry appointed one single officer against the wish of the Governor, then he (Mr. Stockenstrom) had no case; but could they show him such an appointment? Personally he did not know anything about Gongobella's affair, as he was not on the frontier at the time. He did not defend his late colleagues in the late Government, nor did he blame them, because he knew nothing about it, but he knew that Gongobella had been crushed out, and he had heard people living on the frontier say that if it had not been done the war would have spread into the Tembu location. Mr. Hemming, however, was not appointed as a military officer. As he (Mr. Stockenstrom) understood, Mr. Hemming went there to arrest certain criminals, and he went not as a military officer, but merely as an ordinary magistrate.

But if not Mr. Hemming, whose appointment was it with regard to which the late Ministry were accused of ignoring the Governor? Was it Mr. Griffith? The Governor said he did not sign the commission for the appointment of Mr. Griffith, but the Ministers said he did sign one, and he (Mr. Stockenstrom) could not himself say who was right or who was wrong in those contradictory statements.¹ It was, therefore, quite possible that the Governor had signed the document and had forgotten it, and it was just possible that he might not have signed it, as the hon. member for Beaufort West said he had done, and yet that hon. member might feel fully convinced that his Excellency did sign it. There might be a mistake either way, but no one in this House could think even for a moment that either of the two gentlemen concerned in the matter would tell a wilful and deliberate falsehood about it. And even if the Governor did not sign the appointment it is quite clear that he did call Mr. Griffith 'Commandant-General.' But whether Mr. Griffith was legally and formally appointed Commandant-General or not, he was at the head of the forces in this country which had been legally raised for the arresting of criminal offenders. And then in one document the Governor mentions Mr. Griffith as Commandant-General, and asks under what instructions he is to act, without taking any objection upon the ground that he had not himself signed the appointment. The House, however, had not sufficient information to enable them to decide who was right and who was wrong as to that appointment, but it was the unquestioned fact that there were certain duties which Mr. Griffith was competent, as chief of the police, to perform. He (Mr. Stockenstrom) would give the hon. gentlemen opposite an opportunity of discussing the question from any point of view, but where could the appointments objected to be found?

Certain subordinate volunteer officers' appointments had been referred to as appearing in a King William's Town paper. To this Mr. Stockenstrom replied:—

No, it was not to be inferred that those appointments were not authorised by the Governor, because they did not bear his signature at the bottom, as the words 'by the Governor's authority' were used. He himself had known many cases where appointments had been made and not signed by the Governor, and yet bore the words 'by the Governor's authority,' and although the

¹ The public notice of Commandant Griffith's appointment as Commandant-General had not been produced until the debate was finished. It will be found in note 1, *supra.*, p. 302.

hon. Attorney-General was gay and sprightly enough now when he was new to the office, perhaps, when he had been in office as long as the hon. member for Beaufort West, he might append his signature to many documents of that kind without laying the documents before the Governor. He himself (Mr. Stockenstrom) had signed many documents without doing that. He had signed many appointments for justices of the peace when his hon. friend the member for Beaufort West was absent without his Excellency the Governor knowing anything about it ; and yet, although the Governor knew nothing about the matter, he as a matter of form had said that he made the appointment by order of the Governor. It was a mere form. How could the Governor know whether a person to whom a commission of the peace, for instance, was proposed to be issued was a proper person? His Minister was responsible for the appointment, and the Governor's name was used as a matter of form. If the Prime Minister were to trouble his Excellency with every such document before issuing it, he would soon be sent about his business as a troublesome fellow. Well, that was the great charge against the late Ministry, and he was very glad they had had an opportunity of going into it. There was the paper containing the appointments, and let the hon. members look at it. When the hon. member for Wodehouse went up to the frontier to give advice to the Governor, he found himself in a bit of a muddle for want of clerical assistance. He (Mr. Stockenstrom) believed that hon. member had not a single clerk to assist him until afterwards, when he (Mr. Stockenstrom) asked that a clerk should be sent up, and one went up to assist him. The hon. member had written about 3,500 telegrams in two months, and if the whole case against him was that certain advertisements had been issued by him with an informal heading, that was a mere absurdity.

This absolutely disposed of the complaint that had been made by the Governor *ex post facto* as to illegal appointments. They were clearly matters of official administrative routine which were suitable to be dealt with by that Minister who was officially in charge of them, and of such a character as are not usually submitted to the Crown.¹

During the debate Mr. Stigant, who had himself served

¹ See Todd, *Parliamentary Government in England*, 2nd edition, vol. ii. p. 14.

with distinction in the Transkei with the Cape Town Artillery, pointed out that the Governor's statement to the deputation at King William's Town as to disarmament 'had had a very bad effect on the natives,' while further that the way in which Confederation had been introduced also produced a bad effect, tending to lead the natives to the conclusion that the white men were about to combine to crush them, and that they must therefore combine for their own defence. He pointed out in detail the incompetency of the military authorities. Sir Bartle Frere had said to the Colonial Secretary that he could observe no want of harmony between the Imperial troops and the Colonial, but the debate gave ample evidence of this, as the speeches of Messrs. Frost, Brabant, and Stigant testify.

Mr. Sprigg, in regard to the Minute which Mr. Molteno had called for appointing Commandant Griffith, but which had not been forthcoming, admitted that the Governor had called him Commandant Griffith, and that he was aware that the notice of his appointment had been published in the 'Gazette.'¹ He maintained, however, there was a mistake in regard to this question, and added 'to this day I have never informed him that there is any doubt about the legality of his appointment . . . he commands the colonial troops, and is to a considerable extent independent of the military authorities.' Mr. Sprigg also, as we have already shown, admitted that he was wrong in stating in his speech at East London that Mr. Molteno had refused to summon Parliament.

Mr. Sprigg read a memorandum from Mr. Brownlee to the Governor which had never been seen by other Ministers, a point which Mr. Stockenstrom immediately took up, and showing that the Governor had no right to go to one Minister behind the back of the Premier, for he thus introduced an element of disruption into the Constitution. He said,

¹ See p. 302, note 1, *supra*.

'It was stated that troops had been ordered on a minute by Mr. Brownlee, but this had never been communicated to his colleagues.' The Governor had no right to ask for troops without first consulting his Ministers on the subject. He brought back the debate to its real issue, which had been throughout set aside: 'the simple question for the House was this: Was the Governor right in dismissing his Ministers for tendering their advice to him on so important a matter as that on which they had differed from him?' The speaker was quite prepared to admit that the advice so tendered was unpalatable advice, but at the same time that was not sufficient ground to justify their dismissal. The Governor might very probably have thought that he knew better than they did; if so he was right in rejecting their advice, and he did not blame his Excellency for that, but still no sufficient ground had been shown to justify his Excellency in taking the extreme course which he adopted.

The papers for which Mr. Molteno had asked were withheld, though he stated that they were of great importance.³ After the debate was finished they were allowed to appear.

Mr. Molteno in his reply pointed out that the real question at issue had been shelved, and that

a studied attempt was being made to take a division on a question which was not really before them. The present Ministry had not touched the real question, which was this: Was there

¹ This so called Minute appears in *C. P.*, A. 24—'78, p. 1, where it is called a memorandum. These papers were produced by the Premier in reply to a return agreed to by the House for 'all communications that have passed between the Governor and Ministers relative to the employment of troops and expenditure.' Yet it was quite unconstitutional for Sir Bartle Frere to use or receive such a memorandum from a Minister behind the back of the Premier. No member of the Cabinet can advise individually or in opposition to his colleagues (Todd, *Parliamentary Government in England*, 2nd edition, vol. ii. p. 10), and any important communication between a subordinate Minister and the Crown should be 'submitted to the Premier, if not beforehand at any rate immediately after it has taken place' (*ibid.* p. 13). We may further note that in this return Mr. Molteno's Minute of the 31st of January (A. 6—'78, p. 2), refusing the Imperial troops, was not included.

² These papers are *C. P.*, A. 21—'78 and *C. P.*, A. 54—'78.

sufficient cause to justify the Governor in taking the extreme step which he had taken? But instead of raising this, an attempt had been made to raise a feeling of hostility to the late Ministry, not on account of their immediate acts which led to their dismissal, but by calling attention to their former acts. The Governor was not free to go into former acts; that ought to be left to the House to deal with. The present Premier told the House that the Governor dismissed the Ministry because they were not taking proper steps to carry on the war effectually, but whether they were taking proper steps or not was not the question. The question was whether they committed any act which justified the Governor in dismissing them. That was the question upon which the House ought to divide, but it was quite clear that hon. gentlemen opposite were not going to vote on that question. . . . The question which the House ought to decide was whether the Governor was right in dismissing them, and not whether the late Ministry were right or wrong as to the way in which they conducted the war, nor yet whether they had refused or neglected to bring forward a proper measure of defence for the Colony. All that has been said on these matters might be true, but still the Governor should not have taken upon himself to decide; he should have left them to that House to settle. . . . It was, however, quite clear that hon. members opposite were not going to divide upon the question of the dismissal, but upon the acts of the late Ministry. . . . To sanction this would be to put the Governor in the place of the Parliament.

What he asked the House was whether there was anything in the conduct of the late Ministry which justified the Governor in what he had done. To this there had been no answer in that House.

His own contention and principle of action was that there was no justification for his dismissal, for there was no immediate danger in the position of affairs on the frontier when that dismissal took place, and the Governor himself admitted that the work so far had been well done.

As to the statement Mr. Sprigg had made that there were dissensions in the Cabinet, he pointed out that there

was no document on the table to prove that, and none that he knew of anywhere, except that memorandum which the present Premier had just brought to the notice of the House, and which he

(Mr. Molteno) had never heard of till now. No doubt the Governor had a good opportunity of carrying out his policy when the Ministers were not all together on the frontier, but when the Governor acted upon the advice of a single Minister in opposition to others he himself thought the Governor acted unconstitutionally, and when the other Ministers were on the frontier he (Mr. Molteno) wrote to the Governor that he was not to act on their separate advice on public matters. But, notwithstanding that, his Excellency kept these two gentlemen on the frontier, and got from them these memoranda, which were not submitted to the other members of the Cabinet. A good deal was done there and sent down for their approval afterwards, and sometimes he himself had grave doubts about it; but the position was serious: the house was on fire, and things were concurred in which, under other circumstances, might have been strongly objected to.

In regard to the appointment of Commandant Griffith, he explained that as soon as he arrived on the frontier, in compliance with the Governor's wish that an authority should be appointed who should have a larger control of affairs, to enable him to return to Cape Town, it was agreed that Mr. Griffith should be called from the Transkei. He arrived on the frontier and accepted the appointment which it had been agreed between himself and the Governor should be offered to him. He continued:—

There was a Minute which I am quite sure was furnished to the Governor, and which was returned to me duly signed, and upon that I telegraphed to the Under-Colonial Secretary at Cape Town to gazette the appointment; but, as it did not appear to be signed as telegraphed, Captain Mills, being a careful man, to make sure, said to Dr. White, the Treasurer-General, that he had better sign it, and Dr. White did so, and in that way it was gazetted. But it should have been signed by myself, for neither Dr. White nor any other member of the Cabinet ever signed Minutes, as I signed them all myself. But when I had a telegram telling me that it had appeared in the Government 'Gazette' I immediately had it published in King William's Town, and the Governor presented to Mr. Griffith the decoration which had been sent from England, and the presentation of which I had suggested to the Governor should be deferred until after publication, because it would then have a better effect. And I had already signed the Minute,

although that signature was not appended to it as it appeared in the 'Gazette.' Then after that the Governor complained of the inconvenience that might arise from the existence of an independent power with regard to the colonial forces, and I myself explained to his Excellency that the dual system, as it was called, could not have all the effects which the Governor seemed to think it would have. I pointed out that the Governor would be the commander of the forces. . . . The Commandant-General would be over the colonial forces, while the Imperial forces would be under the Imperial officers, and his Excellency would be over them all, and there would be no dual command at all.

On the 20th the Governor asked for the particular instructions to the Commandant-General, and then came the matters on which they differed. Mr. Molteno said:—

They gave advice to his Excellency which they considered it their duty to give, and was not the Colonial Government justified in giving advice as to the control of their own forces? They had to pay the expenses of the war, and on that they had a right to a voice as to their control, but they did not wish to control them without consulting the Governor; they never intended to take the matter out of his hands. Every telegram and document was sent to him, and he (Mr. Molteno) was surprised that his Excellency should say that he had no information, except such as he could gather from the newspapers, for he had all the information which Ministers themselves possessed. Nor did he (Mr. Molteno) place the late Commissioner for Public Works to act as 'a military dictator,' as he had been styled. But on his arrival there he found him in a position in which the Governor had himself placed him. Then came the conversations with the Governor, and if the whole account of these conversations were given, as it might be given if he himself were writing to his constituents, they might put upon them a very different interpretation to that which some hon. members were so anxious to put upon them. . . . And when his Excellency said that there were some things which he had not been informed about, he (Mr. Molteno) expressed his surprise, and said that no doubt it was an oversight, for such a thing as that his colleague, the then Commissioner of Public Works, should act upon his own authority in important public matters had never entered his mind; while the Governor was most fully informed of all operations.

But then, when everything was ready, the instructions which it was proposed to give to the Commandant-General were drawn up and sent to his Excellency, and the Governor appeared to be opposed to the appointment. He himself asked the Governor whether he objected to it, as if he did the Ministers would not act upon it; but the Governor said no, he did not object, and then he (Mr. Molteno) took the instructions to the Commandant-General and told him to go on. The late Ministers had been accused of ignoring the Governor, but was that ignoring the Governor? They had informed the Governor of everything, and if he (Mr. Molteno) found at any time that something had been omitted he himself immediately informed his Excellency of it. Well then it was said that they had made an appointment, or had concurred in it, by which the control of all colonial forces was vested in Sir A. Cunynghame, and that they had not revoked it at the very time they were appointing Mr. Griffith Commandant-General. But they were still discussing the matter; if not they would have advised his Excellency to revoke his former proclamation vesting the control in Sir Arthur Cunynghame.

As to the way in which Mr. Sprigg had entered office, he said:—

But let not that gentleman get in over the wall; let him go in by the front door, let him go in as the Minister of that House. But he thought that he could safely say that the hon. gentlemen who now sat on the Treasury benches would not have the confidence of the country for any great length of time, for they had been put into office in a way which the country very soon would not like. They had been put in by superiors, fettered in their action, and in a way which was certainly not a proper one.

As a matter of fact the new Ministry remained in power only so long as Sir Bartle Frere acted as Governor and kept them there. They were defeated in the first session of Parliament after his departure, and it is an interesting fact that Mr. Sprigg, though holding office on subsequent occasions, has never been placed in that position by a direct vote of the Cape Parliament.

Mr. Molteno concluded by saying that he had no love

for office, that it was not a personal question but a principle for which he was contending.

He had never continued in office for its own sake, but for the interests of the Colony only. That was his only motive for remaining in office, and it would have been better for his own ease and peace of mind if he had resigned long ago. But let hon. gentlemen look at the question from a broad point of view, and not principally as one of opposition to a Molteno Ministry. He had always regarded himself as a servant of that House while in office, and while supported by a majority he held to his office, and he believed that if the time had come for his dismissal it was for that House to dismiss him and not the Governor, who gave his late Ministers no opportunity of defending themselves and no Minute of his reasons for dismissing them, but only drew up a Minute on the 6th of February, which before their dismissal they had never seen. He (Mr. Molteno) appealed to that House to consider the question in a proper way, not as a question between Moltenoites and Spriggites, but only as a question intimately affecting the good of the Colony. It was not a mere question of the change of Ministry which that House had now to decide, but a grave and serious constitutional question, and he asked hon. members in recording their votes to record them from no other point of view.

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It seemed to him that the dismissal of the late Government under the circumstances was the first step towards the introduction of personal government, because if a Ministry were to be dismissed for every little thing on which they differed from the Governor, the result would be that they would ultimately find themselves put under a strict personal government. . . . They must admit that his Excellency had been almost always entrusted with the duties of personal government, and he seemed to forget that under a responsible government the Ministers were really the individuals who were entrusted with the government of the country. . . . The Governor said he had parted from his late Ministers because he said they had differed from him, and that was the question, and a very important question it was in this Colony ; for it was not here as in England. There the balance of things was well maintained, but here the power of the Governor was very great, and if he threw himself into the scale of one political party it crushed completely the opposite party. He feared that House would endorse the position taken up by the hon. gentleman opposite, but if they did so that hon. gentleman would himself regret it, not because the Governor had himself sent him there, but because the Governor, who was only responsible to England, if he could not get one set of men to suit his views and submit themselves entirely to his guidance would change them at his will and pleasure, and throw himself on the side of any political party, and so effect his own purposes whenever he chose to do so.

The absence of the very material documents for which he had asked had been pointed out by Mr. Molteno. He had stated that they had an important bearing upon the subject, but nevertheless the debate was concluded without them. The real issue was evaded.

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It soon appeared that Mr. Molteno was the one man who stood between South Africa and its ruin, not only in regard to the Cape Colony, but the whole of South Africa. Had he been supported by the Cape Parliament Sir Bartle Frere must have retired, and we should have seen no Zulu war, no Basuto war and no Boer war. There could have been no misrepresentation by Sir Bartle Frere of the Boer feeling against annexation being limited to a few malcontents, or suggestion of the disastrous results of undoing annexation which misled Mr. Gladstone, and no reason would have remained for the refusal of representative institutions to the Transvaal in accordance with promises so frequently made to that country and as frequently broken.

A man of real power and sound judgment would not

¹ Mr. Solomon and Mr Vincent, to whose defection Mr. Molteno's defeat was principally due, confessed their error in supporting Sir Bartle Frere a year or two later on. See p. 434, *infra*.

have blindly attempted to force the policy of Lord Carnarvon, but would have examined the question on the spot, and finding a conjunction of circumstances absolutely fatal to its success at that time, he would have so advised his superiors at the Colonial Office. But such a man of cool and calm judgment was not Sir Bartle Frere. He was playing for high stakes. South Africa must be 'forced' in two years, according to Lord Carnarvon, into a Confederation. The sands of the Natal revolutionary constitution were running out; it would last only these two years. A union of hearts and of sentiment was not the union he could bring about: it was one of flags and of arbitrary association which he attempted. It failed, as it was bound to fail.

No time was to be allowed for the growth of the organism. There was no patience or scientific calm in Sir Bartle Frere's measure. Terrible evils ensued. The disaster of Isandhlwana suddenly threw a lurid light on his actions. The embitterment of the Boer war and its accompanying disasters for English prestige all arose out of this ill-fated attempt of Lord Carnarvon, who determined to refuse the advice of tried experience and local knowledge as represented by Sir Henry Barkly, the High Commissioner, and Mr. Molteno.

We may recall the warning of Sir Henry Barkly that 'if confederation were forced it would tend to set East against West, Dutch against English, and natives against both.' As in India so in Africa this resort to force was disastrous. To-day South Africa suffers immense evils from Lord Carnarvon's attempt. Its troubles there have their root and origin in this ill-fated policy. Sir Bartle Frere was the one man who might have drawn attention to the dangers which existed; but 'he took his ignorance for superior knowledge,' and saw them not.

How are we to judge between these two men, each doing what he believed to be his duty and carrying his views to their legitimate consequences? On the one hand was

'It was stated that troops had been ordered on a minute by Mr. Brownlee, but this had never been communicated to his colleagues.' The Governor had no right to ask for troops without first consulting his Ministers on the subject. He brought back the debate to its real issue, which had been throughout set aside: 'the simple question for the House was this: Was the Governor right in dismissing his Ministers for tendering their advice to him on so important a matter as that on which they had differed from him?' The speaker was quite prepared to admit that the advice so tendered was unpalatable advice, but at the same time that was not sufficient ground to justify their dismissal. The Governor might very probably have thought that he knew better than they did; if so he was right in rejecting their advice, and he did not blame his Excellency for that, but still no sufficient ground had been shown to justify his Excellency in taking the extreme course which he adopted.

The papers for which Mr. Moltono had asked were withheld, though he stated that they were of great importance.³ After the debate was finished they were allowed to appear.

Mr. Moltono in his reply pointed out that the real question at issue had been shelved, and that

a studied attempt was being made to take a division on a question which was not really before them. The present Ministry had not touched the real question, which was this: Was there

¹ This so called Minute appears in *C. P.*, A. 24—'78, p. 1, where it is called a memorandum. These papers were produced by the Premier in reply to a return agreed to by the House for 'all communications that have passed between the Governor and Ministers relative to the employment of troops and expenditure.' Yet it was quite unconstitutional for Sir Bartle Frere to use or receive such a memorandum from a Minister behind the back of the Premier. No member of the Cabinet can advise individually or in opposition to his colleagues (Todd, *Parliamentary Government in England*, 2nd edition, vol. ii. p. 10), and any important communication between a subordinate Minister and the Crown should be 'submitted to the Premier, if not beforehand at any rate immediately after it has taken place' (*ibid.* p. 13). We may further note that in this return Mr. Moltono's Minute of the 31st of January (A. 6—'78, p. 2), refusing the Imperial troops, was not included.

² These papers are *C. P.*, A. 21—'78 and *C. P.*, A. 54—'78.

sufficient cause to justify the Governor in taking the extreme step which he had taken? But instead of raising this, an attempt had been made to raise a feeling of hostility to the late Ministry, not on account of their immediate acts which led to their dismissal, but by calling attention to their former acts. The Governor was not free to go into former acts; that ought to be left to the House to deal with. The present Premier told the House that the Governor dismissed the Ministry because they were not taking proper steps to carry on the war effectually, but whether they were taking proper steps or not was not the question. The question was whether they committed any act which justified the Governor in dismissing them. That was the question upon which the House ought to divide, but it was quite clear that hon. gentlemen opposite were not going to vote on that question. . . . The question which the House ought to decide was whether the Governor was right in dismissing them, and not whether the late Ministry were right or wrong as to the way in which they conducted the war, nor yet whether they had refused or neglected to bring forward a proper measure of defence for the Colony. All that has been said on these matters might be true, but still the Governor should not have taken upon himself to decide; he should have left them to that House to settle. . . . It was, however, quite clear that hon. members opposite were not going to divide upon the question of the dismissal, but upon the acts of the late Ministry. . . . To sanction this would be to put the Governor in the place of the Parliament.

What he asked the House was whether there was anything in the conduct of the late Ministry which justified the Governor in what he had done. To this there had been no answer in that House.

His own contention and principle of action was that there was no justification for his dismissal, for there was no immediate danger in the position of affairs on the frontier when that dismissal took place, and the Governor himself admitted that the work so far had been well done.

As to the statement Mr. Sprigg had made that there were dissensions in the Cabinet, he pointed out that there

was no document on the table to prove that, and none that he knew of anywhere, except that memorandum which the present Premier had just brought to the notice of the House, and which he

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RESPONSIBLE Government was now replaced by personal rule, through a Ministry selected and held in power by Sir Bartle Frere and willing to carry out his behests. There now followed a period of disaster unparalleled in the history the Cape.

The policy of raising a colonial army was attempted by Sir Bartle Frere through his Premier. Taxation was enormously increased to meet the cost. This money might as well have been thrown into Table Bay. Indeed, far better would it have been, inasmuch as the existence of the forces thus created induced Sir Bartle Frere to commence his policy of destroying the native chiefs and disarming the Fingoes, Tembus, and Basutos. All the various corps then raised were eventually disbanded, and the sole force which it was possible for the Colony to maintain was the Frontier Armed and Mounted Police, now named Cape Mounted Riflemen, as it had been maintained during Mr. Molteno's administration, though its numbers were even reduced from those authorised in the last year of his administration. The force comprised in the year 1876–1877 892 men of all ranks, while in 1896–1897 it stood at 801 men of all ranks.

although that signature was not appended to it as it appeared in the 'Gazette.' Then after that the Governor complained of the inconvenience that might arise from the existence of an independent power with regard to the colonial forces, and I myself explained to his Excellency that the dual system, as it was called, could not have all the effects which the Governor seemed to think it would have. I pointed out that the Governor would be the commander of the forces. . . . The Commandant-General would be over the colonial forces, while the Imperial forces would be under the Imperial officers, and his Excellency would be over them all, and there would be no dual command at all.

On the 20th the Governor asked for the particular instructions to the Commandant-General, and then came the matters on which they differed. Mr. Molteno said:—

They gave advice to his Excellency which they considered it their duty to give, and was not the Colonial Government justified in giving advice as to the control of their own forces? They had to pay the expenses of the war, and on that they had a right to a voice as to their control, but they did not wish to control them without consulting the Governor; they never intended to take the matter out of his hands. Every telegram and document was sent to him, and he (Mr. Molteno) was surprised that his Excellency should say that he had no information, except such as he could gather from the newspapers, for he had all the information which Ministers themselves possessed. Nor did he (Mr. Molteno) place the late Commissioner for Public Works to act as 'a military dictator,' as he had been styled. But on his arrival there he found him in a position in which the Governor had himself placed him. Then came the conversations with the Governor, and if the whole account of these conversations were given, as it might be given if he himself were writing to his constituents, they might put upon them a very different interpretation to that which some hon. members were so anxious to put upon them. . . . And when his Excellency said that there were some things which he had not been informed about, he (Mr. Molteno) expressed his surprise, and said that no doubt it was an oversight, for such a thing as that his colleague, the then Commissioner of Public Works, should act upon his own authority in important public matters had never entered his mind; while the Governor was most fully informed of all operations.

But then, when everything was ready, the instructions which it was proposed to give to the Commandant-General were drawn up and sent to his Excellency, and the Governor appeared to be opposed to the appointment. He himself asked the Governor whether he objected to it, as if he did the Ministers would not act upon it; but the Governor said no, he did not object, and then he (Mr. Molteno) took the instructions to the Commandant-General and told him to go on. The late Ministers had been accused of ignoring the Governor, but was that ignoring the Governor? They had informed the Governor of everything, and if he (Mr. Molteno) found at any time that something had been omitted he himself immediately informed his Excellency of it. Well then it was said that they had made an appointment, or had concurred in it, by which the control of all colonial forces was vested in Sir A. Cunynghame, and that they had not revoked it at the very time they were appointing Mr. Griffith Commandant-General. But they were still discussing the matter; if not they would have advised his Excellency to revoke his former proclamation vesting the control in Sir Arthur Cunynghame.

As to the way in which Mr. Sprigg had entered office, he said:—

But let not that gentleman get in over the wall; let him go in by the front door, let him go in as the Minister of that House. But he thought that he could safely say that the hon. gentlemen who now sat on the Treasury benches would not have the confidence of the country for any great length of time, for they had been put into office in a way which the country very soon would not like. They had been put in by superiors, fettered in their action, and in a way which was certainly not a proper one.

As a matter of fact the new Ministry remained in power only so long as Sir Bartle Frere acted as Governor and kept them there. They were defeated in the first session of Parliament after his departure, and it is an interesting fact that Mr. Sprigg, though holding office on subsequent occasions, has never been placed in that position by a direct vote of the Cape Parliament.

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How are we to judge between these two men, each doing what he believed to be his duty and carrying his views to their legitimate consequences? On the one hand was

Mr. Molteno, who built securely and firmly the structure of colonial national life stone by stone as rapidly as was consistent with good workmanship ; he was one of the individual Englishmen who was carrying out the fundamental principles of representative institutions which England had given to the Cape 'to lay the foundation of institutions which may carry the blessings and privileges as well as the wealth and power of the British nation into South Africa ; and, whilst appeasing the jealousies of sometimes conflicting races, to promote the security and prosperity not only of those of British origin but of all the Queen's subjects, so that they may combine for the great common object, the peace and progress of the Colony.'¹ He had matriculated in the fight for responsible government and graduated in its administration. The other had held high office in India, where despotic government only was possible. Indeed, we see personified in this conflict between these two men the fight between the principles of English constitutional freedom and the spirit of despotic rule.

Judged by an even higher standard, that of justice and right and morality, how do they compare ? The following quotation supplies a principle of discrimination.

What is the test of veracity and heroism of conduct ? Does your hero's achievement go in the pathological or the moral direction ? Does it tend to spread faith in that cunning, violence, force which were once primitive and natural conditions of life, and which will still by natural law work to their own proper triumphs in so far as these conditions survive, and within such limits and in such sense as they permit ; or, on the contrary, does it heighten respect for civic law, for pledged word, for the habit of self-surrender to the public good, and for all those other ideas and sentiments and usages which have been painfully gained from the sterile sands of egotism and selfishness, and to which we are indebted for all the untold boons conferred by the social union on man ?²

¹ Duke of Newcastle to Sir George Cathcart, p. 215 of Noble's *South Africa*.

² P. 171 of Morley's *Miscellanies*, vol. i.

When we look at the disarmament of the natives, the declaration 'Henceforth no chief shall exist in South Africa,' the Zulu war, the Transvaal seizure, are we not in the region where 'only force and never principles are facts, and where nothing is reality but the violent triumph of arbitrarily imposed will'?¹ When we look at Sir Bartle Frere's unconstitutional actions in refusing the advice of his Ministry, in dismissing the chosen Ministers of the Parliamentary majority, are we not in the presence of that dangerous reaction of despotic rule in India upon free government? Do we not see in his whole South African career 'the retrograde passion for methods of repression, the contempt for human life, the impatience of orderly and peaceful solution'? Do we not see the feverish haste to build a structure pretentious to the eye, but without solidity or endurance? Is this not the character of Lord Carnarvon's Confederation attempt and Sir Bartle Frere's direction of it, a union of flags and of names, but no union of hearts and sentiments?

¹ Speaking at the time of the Zulu war and of Sir Bartle Frere's policy Bishop Colenso says, 'But do we really believe in the Living God, who requires of us, if we would receive His blessing, "to do justly and to love mercy, and to walk humbly with Him"? . . . Let those who will bow down and worship their dumb idols, brute force, and proud prestige, and crafty policy.'—*Life of Bishop Colenso*, vol. ii. p. 498.

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RESPONSIBLE Government was now replaced by personal rule, through a Ministry selected and held in power by Sir Bartle Frere and willing to carry out his behests. There now followed a period of disaster unparalleled in the history the Cape.

The policy of raising a colonial army was attempted by Sir Bartle Frere through his Premier. Taxation was enormously increased to meet the cost. This money might as well have been thrown into Table Bay. Indeed, far better would it have been, inasmuch as the existence of the forces thus created induced Sir Bartle Frere to commence his policy of destroying the native chiefs and disarming the Fingoes, Tembus, and Basutos. All the various corps then raised were eventually disbanded, and the sole force which it was possible for the Colony to maintain was the Frontier Armed and Mounted Police, now named Cape Mounted Riflemen, as it had been maintained during Mr. Molteno's administration, though its numbers were even reduced from those authorised in the last year of his administration. The force comprised in the year 1876–1877 892 men of all ranks, while in 1896–1897 it stood at 801 men of all ranks.

There was expended on the defence schemes of Mr. Sprigg's Administration and the forces raised by his measures taken at Sir Bartle Frere's instance from 1879, the year of their initiation, to 1886, when they finally disappear from the colonial accounts, the sum of 520,856*l.*, while during the same period there was expended on the Cape Mounted Rifles and the Volunteers the sum of 891,372*l.* This was in addition to the war expenditure during the same period, which, as we have elsewhere shown,¹ amounted to 4,869,735*l.*² This is the result in actual figures, apart from other disastrous results, of the terrible losses arising to the Colony from Sir Bartle Frere's fatal policy carried out unconstitutionally by his dismissal of the Colonial Ministry and the maintenance in power of his nominees. There was a further sum expended by the Imperial Government 'for the Transkei war' of 349,902*l.* as finally adjusted, and it practically admitted the unconstitutional action of the Governor by paying this amount.³ We may compare this wasted and ruinous expenditure with the careful husbanding of the Colony's finances by Mr. Molteno, and the difference between the results to the happiness and well-being of the people of the Colony of wise and unwise statesmanship will become apparent. It is a measure, but an inadequate one, of the cost to the Colony of Sir Bartle Frere's dictatorship and Mr. Sprigg's subservience.

Mr. Molteno had been severely tried by the anxiety and the difficulties of the position attendant on the outbreak of the Galeka war. The strain upon him was enormously increased by Sir Bartle Frere's refusal to return to the capital in accordance with his advice, while the Governor's interference

¹ See *infra*, p. 447, n.

² Statement of 'Colonial Defence Expenditure other than War Expenditure,' by the Hon. C. Abercrombie Smith, Auditor and Controller-General of the Colony, kindly prepared from official returns for the writer.

³ See *C. P.*, G. 43-'82, pp. 8-9, and see *supra*, vol. ii. p. 83*l.*

with the conduct of the operations led to the extension of the war to the Colony and the rising of the Tambookies and Gaikas. He had earned a rest from the toils of office. But apart from all this Sir Bartle Frere had seized the government of the country; he now had a free hand. Mr. Molteno's warnings had been unheeded. He had done his best; he had thrown himself heart and soul into the work to which he had set his hand—the acquisition and administration of responsible government. Enormous success had attended his efforts.

His career as a public man had commenced with the institution of the Cape Parliament itself, and from the very first he took an active part in its proceedings. In all the stirring questions that had agitated the country he had taken a leading part. He had conducted to a successful issue the great struggle for responsible government, and had made good his assertion that the affairs of the country would prosper and advance in a manner which was impossible so long as they were controlled from afar by persons whose knowledge of local circumstances was necessarily very limited. He was fitly chosen by Sir Henry Barkly after the triumph over the reactionary policy of Sir Philip Wodehouse to inaugurate the change that gave to the colonists the right of self-government. The change was not effected without exciting a vast amount of angry feeling, and the path of those who had to work out the new order of things was not of the smoothest. But there was an obligation laid upon them, that of proving the superiority of the new system to the old, and this they had done in a manner to which friends and foes alike gave an unqualified approbation.

His fidelity to those principles which mark the English colonial system and are the natural corollary to English institutions was exemplified in the agitation excited by the Imperial emissary Mr. Froude. To the influences brought to bear against him—and they were such as would

have shaken a less constant faith—he opposed the blunt determination of a man bent on asserting a vital and firmly grasped conviction. Mr. Molteno vindicated the constitutional rights of the Colony, which were infringed by the proceedings of Lord Carnarvon; and, convinced of this and of his own duty in respect thereto, he fulfilled that duty with a fidelity which should endear his name to every colonist.

Neither the prospect of Imperial favours nor the glamour of popular excitement, nor the denunciation by a large portion of the colonial press, nor the threats and insults of Parliamentary opponents caused one moment's wavering in his attitude as trustee of the Constitution and the welfare of the Colony. To that trust he was stubbornly and heroically faithful when a large portion of the Colony, blinded by prejudice or party passions, were ready to denounce him as a traitor. Mr. Molteno triumphed, and his views were confirmed by the representatives of the people; but it remains for history to do justice to the man who, in the teeth of the obloquy and passion so sedulously fostered, and in spite of many seductive influences, fulfilled his duty to the State as he understood it.

Since his accession to office in 1872 his Cabinet had been associated with many great improvements. Harbours, railways, and telegraphs had been pushed forward at a rate that a few years before would have been thought marvellous in South Africa. The success attendant upon the establishment of the Cape University had amply justified his sanguine estimates of its effect. Magistracies had been established in most of the districts of the Colony. The resources which the prosperity attendant on the inauguration of responsible government had placed at his disposal were carefully husbanded, and over two millions of surplus revenue was utilised in the payment of loans and invested in the development of the Colony. 'Taking the exact figures from the complete Analysis of the Accounts framed in 1884.

it appears that on the 1st of January, 1870, the Ordinary Revenue and Expenditure Account showed a deficit balance of nearly 1,055,000*l.*, fully covered by permanent and temporary loans, while on the 31st of December, 1875, this large deficit had been converted into a surplus of over 1,125,000*l.*, showing a gain during the five years of about 2,180,000*l.*, or nearly *one-third of the whole revenue for the period.*'¹

During 1873 and 1874 two permanent loans raised before 1870 to cover deficits of revenue, and amounting to over 235,000*l.*, were repaid out of revenue, and the purchase of the existing system of telegraphs was also paid for out of ordinary revenue. These latter payments were rendered possible by the abolition of the old sinking fund in 1874, which set free a portion of the revenue. 'During the Molteno Administration the excess of revenue over ordinary expenditure amounted to about 1,244,000*l.*, all of which may be said to have been invested in important public works, for which loans were being raised. On the 30th of June, 1877, the amount spent on such works exceeded the proceeds of the corresponding loans by more than 1,350,000*l.* This does not include the large amounts spent on public works, harbour works, roads, bridges, &c., charged as ordinary expenditure.'²

When we recall the terrible depression of the decade of 1860–1870, and the ever-recurring deficits, we appreciate the remarkable change in the Colony's condition and prospects, and we must concede our tribute of admiration to the care and wise foresight exercised by Mr. Molteno in the use of the resources at his disposal. We must not forget that at the same time the taxation in existence was lighter than at any period of the Colony's recent history, before or since that time. In the Report on the Cape Blue-book

¹ Statement of the Auditor-General of the Colony.

² *Ibid.* This statement was most kindly prepared for me from public records by the Hon. C. Abercrombie Smith, the Auditor and Controller-General of the Colony.

presented to Parliament in 1877, Sir H. Barkly, in his concluding remarks, observed that it may be doubted whether the returns from any of her Majesty's Colonies exhibited more solid progress than those he comments on. Had Mr. Molteno's wise and prudent stewardship of the Colony not been upset by Lord Carnarvon's schemes and Sir Bartle Frere's dictatorship, there was no reason why he should not have achieved still greater successes.

We have seen that Mr. Molteno had contemplated a great extension of his policy of development. Having provided harbours and railways, it was his intention to provide by great irrigation works for the want of the element that is lacking to the successful cultivation of the soil of the Colony—a good and constant supply of water. He looked with longing eyes to the great river which formed the northern boundary of the Colony, and which annually discharged, and does to this day discharge, millions of cubic yards of water uselessly into the sea in place of fertilising the land. The gigantic importation of cereals into South Africa in recent years attests the wisdom of these intentions, which, had they been carried out, would have provided food stuffs for the whole of South Africa in abundance, and enabled the Cape Colony to support a vast white population.¹

He had not been unmindful of the interests of the Cape Colony and of South Africa in regard to the outlying territories. We have seen how strongly he urged upon Lord Carnarvon the annexation of the country between

¹ 'It may not be out of place here to state that Mr. Molteno during his administration devoted much thought to the question of irrigation, that at the time he was driven from office he had formed his conclusions, and that had he been permitted he would have begun a system of irrigation works in the Colony on the same thorough and far-reaching scale that he had previously done in the matter of railways, and it is not too much to add that his influence upon the Dutch land-owning class would probably in this direction have effected a revolution in the economical conditions of South Africa' (Letter of Hon. J. X. Merriman).

the Orange Free State and Cunene River, which owing to the opposition of Lord Carnarvon, was carried out only in part in the annexation of Walfisch Bay, and its neighbourhood. On the east he was gradually absorbing the native territories as often as prudence and wisdom justified their annexation. All these tasks were ample to occupy the whole of the undivided attention and resources of the Cape Colony.

The map facing this page shows what the Colony would have been had the annexations recommended by Mr. Molteno been permitted by the Imperial Government.

If we look at the map at the end of the volume, which shows the present boundary of the Colony, it will be seen that all the annexations (with the important exception mentioned below) recommended by Mr. Molteno have been carried out either while he was in office or subsequently. These were Griqualand West, the whole of the Transkei, excepting Pondoland and the coast-line between the Orange and Cunene rivers and thence inland to include Damara-land and Great Namaqualand, and as far eastward as was thought desirable, which limit was, in Sir Bartle Frere's despatch of November 13, 1877,¹ placed at the Transvaal Frontier. This latter despatch embodied the resolutions of the Cape Parliament passed at Mr. Molteno's instance.

The greater portion of the last-mentioned territory with its coast-line has since been lost to the Colony, being now in the possession of Germany. The Colony has further lost Basutoland since Mr. Molteno's Premiership, while it has gained Pondoland. The final result being that it is much more limited in its area than it would have been had Mr. Molteno's farsighted policy been adopted by the Home Government.²

¹ *I. P.*, C—2000, p. 1.

² All four maps in the two volumes should be compared with a view to observing the increase in area of the European settlements in South Africa since 1881, when Mr. Molteno landed on its shores. While a comparison of the map of 1872 with that facing this page will show the extension of the area of the Colony as proposed under Mr. Molteno's auspices.



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In common with others Mr. Molteno looked forward to an eventual federation of South Africa, but he felt that it must be a real union of hearts brought about by harmonious feeling. Rivers had to be bridged, connecting links of railways had to be constructed to increase the intercourse of the population of the various colonies and states. All these more rapid and more convenient means of communication were to destroy old prejudices and give rise to a better feeling.

But above all he made it the object of his ambition that the Cape Colony should be an example of the freedom afforded to British communities to manage themselves. Disastrous results had attended the government of South Africa as a Crown Colony; he meant to demonstrate that the unfettered development of responsible government was a solution for the difficulties in South Africa. But Lord Carnarvon was not content to permit this good work to go on. He tore the tender plant up to examine its roots; atrophy, if not eventual death, was the result. The excitement attendant on the pressure of the Confederation proposals by Mr. Froude had begun to check his progress. Eventually a complete reversal of the policy of responsible government took place when Sir Bartle Frere was sent to force his views in South Africa.

Lord Blachford, than whom no man was better informed in regard to the Colonies, drew attention to this reversal of policy, and pointed out that the first important step taken in respect to this policy by Lord Beaconsfield's Ministry

was the endeavour by direct appeal to the inhabitants to call into existence a popular feeling which should force Confederation on a Government which was not inclined to it. I do not here express any opinion on the prudence or necessity of this course. I only say that, right or wrong, prudent or imprudent, it was a clear departure from the policy of non-interference which had been previously pursued, and that the somewhat antagonistic interposition of the Imperial Government, or its representative which

began with this agitation, and ended with the dismissal of Mr. Molteno, tended to replace on Great Britain the responsibility for the administration, and therefore for the safety, of the Colony, which it was the object of previous Secretaries of State to fasten on the Colonial Government.

Then, as native difficulties began to show themselves, what was at first a tendency became an active principle of policy; and most active in respect to that matter which was most critical, the matter of military assistance.

As the possibility of native rebellion arose, the former policy, as I understand it, would have required the Governor to force his Ministry into effective action, by making them clearly understand that they could not rely on receiving fresh assistance, or even retaining in full what they already had, unless they took such measures for their own defence as would satisfy her Majesty's Government that they were doing their best.

Sir Bartle Frere took a directly contrary course. On the first appearance of danger he invited the Colony to expect help from Great Britain. 'I repeatedly informed Mr. Molteno,' he writes, 'from the very first threatening of troubles on the frontier, that the commander of the forces had suggested, and that I had supported his suggestion, that if matters did not quiet down the regimental relief should be anticipated by a few months, and that we should have a discretionary power to detain the relieved regiments if necessary.'¹

Nor was this nearly all. After some months of disturbance, considering his Ministry rather slack in their preparations, he addressed them on the 31st of December, 1877, in the following terms: 'The Volunteers and burghers have melted away, and have not been replaced, and I see no effort made by you to replace them. . . . I can only myself appeal to her Majesty's Government for more troops. Do you support my request?' That is to say, he at once fastened on the Home Government the duty of making good not only the weakness but the negligence of the Colonies. The Colonial Government, strange to say, did not close with this proposal. On the 2nd of January the Minister replied that it would be quicker and easier to raise a force in the Colony than to get it from England. 'I cannot therefore support your Excellency's request to her Majesty's Government for more troops.' Yet, even under this discouragement, Sir Bartle Frere, on the 9th of the same month, persevered in requesting the Secretary of State to send him out two regiments, with the inauspicious intimation that he might want them for Natal.

¹ *I. P.*, C—2100 of 1878, No. 1.

Those who have read recent colonial newspapers will not fail to see the immense colonial unpopularity which was likely to attach to this conduct of Mr. Molteno's if ever it became known. And on his dismissal, which soon followed, his successor, Mr. Sprigg, did not fail to make the most of it. In his election manifesto, addressed to his constituents on taking office, he informed them of the somewhat whimsical result. He told them that on the arrival of the reinforcements which the Governor had, in spite of his then Ministry and with some difficulty, obtained from the War Office, 'His Excellency asked the Ministry of Mr. Molteno what they advised him to do with it. Their reply was that "it might be sent to any part of the Empire where it was wanted, but that it was quite unnecessary to retain it in the Colony."' ¹

Seeing that the ablest politician in the Colony did not think an additional force of British troops necessary, and that the best Government officers show that, if left to themselves, they would identify themselves with that forbearing policy which allows temporary difficulties to disperse, it seems to me a fair question whether the prospects of peace may not have been injured by these attractive promises of gratuitous help. They have doubtless greatly increased the personal influence of the Governor, and through him perhaps that of the Home Government. But they can hardly fail to have reproduced that colonial mischief which we have learned by experience to dread—the mischief of encouraging discontented settlers or impatient officials to force on a war of which they will have the advantage and this country the loss.

And he went on to show that the policy which had been pursued up to 1872 had 'been not so much arrested as reversed.' ²

It is seldom that the views upon South African questions of English statesmen of the first rank, thoroughly informed upon the subjects with which they deal, find any expression, and we have therefore placed Lord Blachford's view before our readers. It is interesting from another point of view. Lord Blachford had been Under-Colonial Secretary during the period of Mr. Molteno's struggles with Sir Philip Wodehouse, and since his retirement from the Colonial Office had

¹ *I. P.*, C—2079 of 1878, p. 102.

² *Nineteenth Century*, August 1879, p. 277.

given evidence in numerous contributions to periodical literature of his interest in South Africa. We observe that his estimate of Mr. Molteno was that he was the ablest politician in the Colony.

Mr. Molteno was doing his part well towards making possible that division of labour, so to speak, in the Empire, that greater specialisation of function in the outlying parts with higher integration of the whole which marks the advanced development of our Imperial organisation to-day. The central administration of the mother country would have been, and is, unable to cope with the enormous mass of detail involved in the administration of the outlying dependencies constituting our self-governing colonies, burthened as the central machine is with the numerous and vast problems born of its contact with the great Powers of Europe. Each portion of the Empire does its own special work of carrying on its own internal administration. Every day brings into prominence with the growth of the Empire the enormous importance of this principle. On a recent occasion, when the unity of the Empire was so well epitomised by the presence in England of the Colonial Premiers, the two most distinguished representatives of the colonies, Sir Wilfrid Laurier and Mr. Reid, called attention to the fact that the application of the unfettered principles of responsible government had secured the admirable results of loyalty and harmony which were exhibited in their colonies, the contrast being in the case of Canada particularly remarkable, for in 1837 a portion of that colony was in open revolt, while in 1897 Sir Wilfrid Laurier claimed that there was no more loyal portion of the Empire.

The principles of responsible government suffered a disastrous check in South Africa by Sir Bartle Frere's action there, but they were of too enduring a nature to long remain suppressed. It became evident almost immediately that Sir Bartle Frere's policy was bound to be disastrous. As Lord

Derby said subsequently, the beginning of all our troubles in South Africa dated from the dismissal of Mr. Molteno's Ministry by Sir Bartle Frere.

Owing to the nature of the termination of his connection with office and the reign of a dictator who brooked no rival, no adequate expression could be given at the time to the appreciation which was widely felt of Mr. Molteno's services to the Colony. But his reward has been that which alone he sought—the reward which a man who has done his duty, and done it with all his might, receives from the fulfilment of all that is best in his nature.

He had fought a long fight for constitutional freedom in a manner worthy of its best exemplars. His sagacity, his energy and prudent management had at a comparatively early age placed him in an independent position. Under such circumstances many men would have retired to Europe to enjoy the pleasures of independent ease. He remained in the country which had treated him well, and he amply repaid his obligation to it by unselfish devotion and single-hearted service. He scorned ease, and passed laborious days and nights not for reward but impelled by a strong sense of duty. His services were appreciated by the country, and time will serve to bring into greater prominence the wisdom, the foresight, and the sagacity with which he conducted the affairs of the Colony, and the wide and statesmanlike view he took of its affairs.

Mr. Molteno, after representing Beaufort West for a quarter of a century, the whole period during which representative institutions had now been established at the Cape, retired from Parliament at the end of the year 1878 to a rest which was no relief, so rapid was the succession of disasters which under Sir Bartle Frere's auspices overtook the Cape Colony and South Africa generally. The warnings which he uttered of the dangerous course upon which Lord Carnarvon and Sir Bartle Frere were bent were being most

amply justified. He saw with anguish and dismay the terrible confusion and loss of life and treasure which now took place. It would have been strange had he not been moved by them. After the disaster of Isandhlwana he visited Natal, and there he renewed his acquaintance with Bishop Colenso, who had to some extent crossed swords with him over the Langalibalele agitation. Fortune makes strange bedfellows. Bishop Colenso was as strenuously opposing Sir Bartle Frere in his policy towards the unfortunate Zulu king as Mr. Molteno had opposed it in connection with the Cape Colony.

CHAPTER XXXII

POSITION OF CONFEDERATION AFTER DISMISSAL. 1878-1880

Sir Bartle Frere makes Dictatorship more effective—Asks for control of Sir Henry Bulwer and Sir Theophilus Shepstone—Home Government accedes to this—Change in tone of Despatches—Sir Henry Bulwer ignored—Zulu Policy—Sir Bartle forces War on Cetywayo—Presses for Reinforcements—Secretary of State disapproves Zulu Policy—Ultimatum to Zulu King—Censure of Secretary of State—Sir Garnet Wolseley supersedes him in South-east Africa—Sir Bartle Frere returns to Cape—Returns to Disarmament Policy—Basuto War—Transkei War—Confederation question in Cape Colony—Session of 1879—Evils resulting from Confederation Policy—Transvaal Constitution delayed—Promises to Transvaal broken—Impatience of Secretary of State—Attempts to hasten Confederation in Cape Parliament—Session of 1880—Proposals for a Conference—Unfairness of to Cape—Debate on—Rejected without discussion—Recall of Sir Bartle Frere—Government out of touch with people of South Africa—Afrikander Bond—Sir Bartle Frere misrepresents state of Affairs—Resentment of Transvaal People—No want of evidence of Feeling—Deputation of Cape members urge Restoration of Independence—Sir Bartle forces hand of Mr. Gladstone's Ministry—He declares civil war result of Independence—Mr. Molteno returns to public life—Elected for Victoria West—Fall of Sir Bartle Frere's nominee Ministry—Mr. Molteno becomes Colonial Secretary again—Condition of Colony on Sir Bartle Frere's departure—War—Taxation—Stagnation—Violent Feelings and Resentments—Mr. Molteno resigns and retires finally.

WE must now briefly record the events which followed upon the confirmation by the Secretary of State of Sir Bartle Frere's action in dismissing the Molteno Ministry. Having seen his nominees safely through the first session, the latter now proceeded to make effective the dictatorship with which he had been clothed by Lord Carnarvon. It will be remembered that Lord Carnarvon had decided to invest Sir Bartle Frere 'with special powers not possessed by his predecessors in the office of High Commissioner.' He was to be 'her Majesty's High Commissioner for South Africa generally, instead of

being merely High Commissioner for the territories adjacent to the Eastern Frontier.'¹ This general authority was, however, not sufficient for his purposes. Sir T. Shepstone as Administrator of the Transvaal and Sir Henry Bulwer as Lieutenant-Governor of Natal were in direct communication with the Imperial Government, and had an independent responsibility in reporting to the Home Government direct. Sir Bartle Frere now induced the Imperial Government to place both these officers directly under him,² and on the 21st of September, 1878, Sir T. Shepstone was placed under the High Commissioner 'in the same way as if a confederation or union had taken place between the Cape and the Transvaal.' He was directed to correspond not with the Secretary of State, but with Sir Bartle Frere, who was now to have a direct supervision over the Province.³ Sir Henry Bulwer was in the same manner directed to correspond with the High Commissioner.⁴

In the exercise of their independent authority these officers had reported that there was no cause for anxiety in the attitude of the Zulus. Sir Theophilus Shepstone on the 31st of July, 1877, advised as little interference as possible in the Zulu country.⁵

A change soon came over his views upon the correspondence being first submitted to Sir Bartle Frere before being transmitted to the Secretary of State. He now supported a warlike policy and the increase of the Imperial troops aimed at by Sir Bartle Frere. However, Sir Henry Bulwer refused to be a party to a policy of which he did not approve. Sir Bartle Frere had dismissed Mr.

¹ *I. P.*, C—2601 of 1880, p. 3.

² *Life of Sir Bartle Frere*, vol. ii. p. 187.

³ *I. P.*, C—2220, p. 151.

⁴ *I. P.*, C—2220, p. 153.

⁵ 'I am of opinion that the interest of Her Majesty's Government and of humanity throughout this vast territory will be best served by interfering as little as possible for the present with events in that country' (*Zululand*). *I. P.*, C—1961, 1878, p. 62.

Molteno. He was not able to dismiss Sir Henry Bulwer, who maintained his own opinion on the subject, though his correspondence taking place through the High Commissioner appeared to have been ignored, and indeed he complains that his despatches were not transmitted, and if transmitted home were not published.¹ He protested against the misleading character of Sir Bartle Frere's Minute and the 'wrong and unjust' inferences from it. Just as Mr. Molteno's action had been misrepresented to the Home Government, as well as the state of affairs previous to the dismissal,² just as Mr. Molteno had objected to troops being introduced into the Cape Colony for ulterior purposes, so

¹ *I. P.*, C—2367 of 1879, p. 107.

² See Sir H. Bulwer's despatch of the 14th of July, 1879, at p. 38 of *I. P.*, C—2482, February 1880.

'*SIR*,—In the Blue Book of correspondence respecting South African affairs (C—2318) which has been laid before Parliament, and of which I have just had the honour to receive a copy, I perceive a despatch from his Excellency Sir Bartle Frere, covering a number of papers on the subject of native levies and auxiliaries.

'2. Among these papers is a Minute by Sir Bartle Frere dated the 7th of March.

'3. The tenour of that Minute, which I duly received at the time, was, in my opinion, so likely to mislead, so likely to lead to the inference that there had been serious neglect on the part of the Natal Government, and such an inference would be, as I knew, as everybody here knows, so utterly wrong and unjust, that I felt obliged to submit my respectful opinion to this effect to his Excellency. In point of fact I furnished his Excellency with a memorandum (dated the 20th of March) which contained an answer as complete to the general tenour of his Excellency's Minute as I felt it necessary to make. I could have dealt, as I can deal, with that Minute far more fully and exhaustively than I then attempted to do. But I desired to do no more than was necessary to show that the inference which his Excellency's Minute contained would be an erroneous and unjust one; and I left it to his Excellency so to act as to prevent that erroneous inference being attached to his Minute.

'4. It is therefore with great surprise and regret that I perceive in the Blue Book the Minute of his Excellency Sir Bartle Frere inserted in the correspondence, whilst my memorandum in reply is altogether omitted.

'5. It is true that Sir Bartle Frere's despatch is dated the 21st of February, nor will I stop to inquire how it is that a despatch dated the 21st of February can cover, as the one in question does, enclosures dated up to the 11th of March following, because I do not for a moment doubt that the despatch was sent off before the receipt of my memorandum of the 20th of March. But, as the Blue Book contains despatches from his Excellency as late as the 18th of April, there

now Sir Henry Bulwer, who was responsible for the peace and safety of Natal, objected to additional troops being introduced, which were not required by the circumstances of that Colony.¹

In the Cape peace had prevailed for twenty-five years, until it was disturbed by Sir Bartle Frere's action. Sir Henry Bulwer reported that 'for over thirty years the Colony of Natal grew up side by side with the Zulu people without a serious breach of the peace, and without, it may be said, any serious question arising between them.'² The policy which had maintained this desirable state of things was now to be reversed. The man on the spot was to be overridden by the man who had newly arrived, and who had his ulterior object, the destruction of the Zulu power, as a preliminary to Confederation, to carry out. Sir Henry Bulwer says, in describing the arrival of troops and reinforcements:—

Up to that time we in this Colony [Natal] had not so much as heard a word of war. The idea of a Zulu war had not yet occurred to anyone. The idea was an imported idea. It was imported at the time of the arrival of the troops and Headquarter Staff from the Cape Colony. It was not difficult for it to become a popular idea;³

was full time to allow of my memorandum of the 20th of March being inserted in the same Blue Book.

'6. I desire to say as little as possible on the subject of this omission, which no doubt has arisen from some mistake. But I am sure, Sir, you will recognise that when an official document is published which contains reflections against this Government, and reflections which I know to be thoroughly unmerited, I should be naturally desirous that my reply to that document should be published at the same time. This unfortunately has not been done, and it is, I am afraid, too late to rectify in this session of Parliament the omission. In case, however, you should not have seen it I enclose for your information a copy of the memorandum of the 20th of March.

'I have, &c.

'H. BULWER,

'Lieutenant-Governor.'

¹ *I. P.*, C—2220, p. 232.

² *I. P.*, C—2584, p. 196,

³ *I. P.*, C—2584, paragraphs 82 and 83.

while a deputation of the leading men of Durban proceeded to inquire of Sir Bartle Frere on his arrival the meaning of the vast forces and military stores which were being landed there.¹ And again Sir Henry Bulwer says, with reference to Sir Bartle Frere's statement that the condition of affairs was critical :—

In what precise way and to what precise degree it was more critical than his Excellency had expected I do not know, but it had certainly become, from the causes which I have named, more critical than it was before the arrival of the troops, and to what-ever extent it had become more critical it was so by reason of these military movements.

He further told Sir Bartle Frere that he believed that the former's opinion as to the critical state of affairs in Natal was ill founded.²

Lord Carnarvon had impressed in the strongest manner upon Sir Henry Bulwer and also upon Sir Bartle Frere that he desired no trouble with the Zulus, as the annexation of the Transvaal would be enough to tax the administrative powers of those engaged in ruling it, and should not be

¹ As to the unlooked-for result of a war with Cetywayo Bishop Colenso writes: 'I must honestly say that I think the colonists have been harshly and unjustly judged in England in respect of this war. Speaking of them generally, I have no hesitation in saying that they never desired the war in the first instance. They never urged it on, or even dreamt of it, until Sir Bartle Frere came up here, and wheedled them into following his lead and supporting him in his undertaking to relieve them from the "standing menace" of the Zulu power.'—*Life of Bishop Colenso*, vol. ii. p. 532.

² *I. P.*, C—2740, p. 37.

Again, as to Sir Bartle Frere's action Bishop Colenso writes as follows: 'It was very pleasant to see your handwriting again, and to know that you remember us in all our troubles, which just now are indeed great, through the wicked policy of Sir Bartle Frere. . . . He came up from Cape Town full of prejudices; he swallowed all the rubbish told him by worthless traders and hysterical missionaries. It was useless for Sir H. Bulwer to point out that the statements of the Zulu king having built military kraals in the disputed territory, and having killed a large number of Zulu converts, were totally untrue. Sir B. Frere reasserts these falsehoods and a number of others just as unfounded. All these would go down with persons in England ignorant of the real facts.'—*Life of Bishop Colenso*, vol. ii. p. 517.

increased by 'the forcible acquisition of a large territory, such as Zululand, with a numerous and warlike population.'¹ And again on the 3rd of January, 1878, he impressed upon both Sir Henry Bulwer and Sir Bartle Frere not to resist by force any assertion of fancied rights by Cetywayo.²

Now, however, on various pretexts troops were asked for and reluctantly sent. We have already seen that a regiment was despatched, owing to the Transkei affairs, for which the Galeka war was made the pretext, though Natal and the Transvaal were the real objective.³ On the 18th of March, 1878, Sir Bartle Frere asks the Secretary of State for armaments and ammunition. On the 9th of May the despatch is announced of 5,000 men and 2,000 horses to Natal. This was in answer to a despatch from Sir Bartle Frere of the 9th of April asking for more troops to garrison the towns of the Transvaal, to overawe both whites and natives.⁴ Again on the 10th of September Sir Bartle Frere asks for more troops.⁵ On the 14th of September he asks for two additional regiments and a cavalry regiment.⁶ On the 12th of October the Secretary of State says that he thinks the Zulu question ought to yield to tolerant treatment, that the Imperial troops should be removed from the Cape to Natal, and no more troops would be sent from home.⁷

On the 21st of November, 1878, the Secretary of State reluctantly agrees to send the reinforcements for which Sir Bartle Frere continued to press, but observes that no circumstances yet reported to him make war seem inevitable, and it is the desire of her Majesty's Government 'not to furnish means for a campaign of invasion and conquest.'⁸ The Secretary of State adds that he thinks Cetywayo should not be kept waiting any longer in learning the result of the Boundary Award. Yet Sir Bartle Frere continues to press

¹ *I. P.*, C—1961 of 1878, p. 60.

² C—2740 of 1881, p. 34.

³ *I. P.*, C—2220, p. 232.

⁴ *I. P.*, C—2220, p. 273.

⁵ *I. P.*, C—2000, p. 7.

⁶ *I. P.*, C—2144, p. 9; C—2100, p. 108.

⁷ *I. P.*, C—2220, p. 254.

⁸ *I. P.*, C—2220 of 1879, p. 330.

Cetywayo. The boundary question had been decided in his favour. Sir Bartle Frere, after keeping the decision in a pigeon-hole for many months, finally tells Cetywayo the result in an ultimatum which announced a decision by the Boundary Commission on the one hand and practically took away with the other hand what had been decided in his favour, for it confirmed the resident Boers in the possession which they had taken of the disputed territory. This Sir Bartle Frere justified under the pretext that these were private rights.¹ Added to all this were a series of reforms which Cetywayo was to carry out in the internal government of his country by a certain fixed date. We had no right to insist upon this, and upon the receipt of his proposed conditions the Secretary of State asks for further information, and tells Sir Bartle Frere that we have no right to compel the King to make internal reforms.²

Sir Bartle Frere did not for a moment contemplate that Cetywayo would accept his ultimatum; all his despatches stated that war was inevitable.³ In face of the instructions both of Lord Carnarvon and of his successor, Sir Michael Hicks-Beach, Sir Bartle Frere issued this ultimatum.⁴ On the 23rd of January, 1879, the day after the

¹ In regard to the manner in which Sir Bartle Frere dealt with the award, Bishop Colenso, writing to General Durnford, says: 'Sir Bartle Frere, while he adopted the judgment of the Commissioners, as he could not avoid doing, emptied it of all its meaning for the Zulus by a secret document—at least one which he says was prematurely published, though prepared and signed a fortnight before the award was delivered—in which he reserved their private rights to all those who had settled under the unjust Boer Government upon the disputed territory; in other words, giving to Cetywayo the empty name of sovereignty. But with this award, such as it is (*i.e.* with the interpretation given to it by Sir Bartle Frere, but not intended by Colonel Durnford and the other Commissioners), Sir Bartle Frere coupled demands, to be complied with in a very short time, with which he knew the King could not possibly comply under the circumstances.'—*Life of Bishop Colenso*, vol. ii. pp. 474-5.

² *I. P.*, C—2222, p. 115.

³ *I. P.*, C—2222, p. 182.

⁴ The Zulu war was purposely pressed on before any reply could be received from the Secretary of State. 'There was the fear on the one hand that the Secretary of State might interpose, and on the other that Cetywayo might manage to pay the cattle fines in time.'—*Life of Bishop Colenso*, vol. ii. p. 461.

terrible disaster of Isandhlwana, but of course before the news arrived, the Secretary of State expresses his disapproval of the demands on the Zulu king, which he tells Sir Bartle Frere should have been submitted to him first, and he adds that the reinforcements which had been sent were not for the purpose of pressing such demands upon the Zulu king.¹ The subsequent terrible disasters in this campaign are well known. The war was an unrighteous one. As in India the unfortunate Ameer, in defiance of our treaties, had been forced to receive an ultimatum,² so now the unfortunate Zulu king, entirely against his will, was forced into this unholy war.³

The ultimatum had been sent on the 11th of December, yet already on the 14th of December Sir Bartle Frere tells the Imperial Government that war is inevitable, and that we must annex Zululand,⁴ showing that his intentions really were to force Cetywayo to fight and not to come to any peaceful accommodation. On the 19th of March, 1879, the Secretary of State censured him for his action in attacking the Zulu king without reference to the Home Government. Notwithstanding this clear evidence of the course on which Sir Bartle Frere was bent, the Secretary of State added that her Majesty's Government still reposed confidence in him

¹ *I. P.*, C—2222, p. 197.

² *Life of Lord Lawrence*, vol. ii. p. 482.

³ Bishop Colenso says: 'Events have shown that the King was right in his suspicions of the good faith of the English authorities, and that from the first, and long before they arrived in the Colony, Sir Bartle Frere and Lord Chelmsford did mean to invade his country, though Sir H. Bulwer had no such object in view' (*Life of Bishop Colenso*, vol. ii. p. 466). 'The Attorney-General of Natal said that "the appointment of Sir Bartle Frere was the result of sending home Commissioners in connection with Confederation;" that the ultimatum was the joint production of the High Commissioner and himself; and that the latter put forward, as the reason for embarking in the Zulu war, the resolution "to bring the Zulu nation into such a shape as was compatible with the safety of Natal and the Transvaal." In other words, as the Bishop remarked, the Zulu war was waged not for the trumpety causes put in the foreground as *casus belli* by Sir Bartle Frere, but for the purpose of remodelling the Zulu nation with a view to Confederation.'—*Ibid.* p. 460.

⁴ *I. P.*, C—2222 of 1879, p. 211.

and expected that his action would be wiser in the future.¹ On the 28th of May, 1879, the Secretary of State announced that Sir Bartle Frere was to be deprived of his High Commissionership of South-Eastern Africa, and that Sir Garnet Wolseley had been appointed the supreme civil and military authority in South Africa.²

Can the Ethiopian change his skin or the leopard his spots? Sir Bartle Frere was still to be permitted to exercise a limited dictatorship in South Africa. But her Majesty's Government hoped that he would be wiser for the future. There is, perhaps, no more fatal instance of an implicit reliance on a great reputation produced by the arts of 'advertisement,' though based on some very sterling qualities as well. What use did he now make of his return to his duties at the Cape? With his departure from the Cape peace had returned. He was now to use his powers more actively in bringing fresh disasters on the Cape Colony. He directed his nominee Ministers to put in force the 'Peace Preservation Act'—delightful name!—to disarm the natives. The Attorney-General, Mr. Upington, now declared that the blacks were the natural enemies of the whites, and the Ministry acted on this principle under Sir Bartle Frere's tutelage.

Beginning with friends, the Fingoes were first disarmed, and, to our ineffable disgrace, our allies and friends were fallen upon by their enemies, and being found defenceless were unable to defend themselves: their women and children were killed before their eyes by their armed enemies. The Tembus, under Dalasile and other chiefs, crossed the boundary of Fingoland and killed many Fingoes, who had only sticks for defence.³

The second Transkei war now commenced. Great forces were called out and enormous expense was incurred. Not

¹ *I. P.*, C—2260 of 1879, p. 108.

² *I. P.*, C—2318 of 1879, pp. 83-4.

³ Unpublished letter to the writer of the Rev. S. P. Sihlali, 1st of September, 1898.

content with this trouble, it was decided, in spite of the strongest remonstrance on the part of the leading members of the Cape Parliament and of her Majesty's Government itself,¹ that the disarmament Act should be promulgated in Basutoland. The entreaties and warnings of the Resident, Commandant Griffith, with an experience of thirty years to back his opinions, were disregarded, as were the protests of the Chief, who urged, and urged in vain, that a policy of gradual deprivation of arms should be pursued.

Let us look for a moment at the condition of Basutoland under colonial rule as carried out by Mr. Molteno. Reporting to the Secretary of State on the 9th of May, 1876, the High Commissioner, Sir Henry Barkly, says of the Basutos:—

Probably no administration of native affairs in any part of the world has been attended with greater comparative success, and there can be few more gratifying spectacles than that of a tribe numbering some 150,000 souls, who a few years ago were the terror of their neighbours, living peacefully, contentedly, and prosperously, under the rule of half a dozen magistrates of European extraction unsupported for some time past by a single white policeman.²

The policy and personality of the men who had achieved this success are shown by the following paragraph from Colonel Griffith's despatch, who was then the head of the Basuto administration as Governor's Agent:—

Hitherto I have felt myself morally responsible for the peace and welfare of this territory, and have thrown my whole soul into my work—not alone, because I was trusted by the Government which has always shown that it reposed great confidence in me, but also because my heart has been thoroughly in the work, for the sake of the people, towards whom I have conceived a real attachment. I have also (ably supported by my subordinate officers) made it a point to impress upon the people the justice of the Government in all things, and led them to believe that it

¹ *I. P.*, C—2569, p. 49.

² *I. P.*, C—1748, p. 33.

would never perpetrate or tolerate any act of injustice to people under its rule.¹

This was the people and this their condition whom Sir Bartle Frere determined with his nominee Premier to upset and to break faith with; for Colonel Griffith had assured the Basutos in 1876 that there was no intention to disarm them.²

Is not this another instance of the disastrous results of the man who 'took his ignorance for superior knowledge'?

Before the disarmament was carried out a meeting was held between Sir Gordon Sprigg and the Basutos, and the proceedings are worthy of perusal. Sir Gordon Sprigg compared arms in the hands of the natives to the possession of a knife by a child. To this the Chief, George Moshesh, replied:—

If we are British subjects does the Queen possess us as men or as cattle? The Colonial Secretary too has made this comparison about the child and the knife; that is a very good word. A child as long as he is small, cries for the knife, because he does not know that it will cut him, but when the father takes it out of his hand he takes it in a very gentle manner, for fear of cutting him; and I have confidence that the Government will not roughly draw the knife away, or draw another knife from the sheath at his side and stab the child for clinging to the knife. Would that be the act of a father?³

While in regard to Mr. Upington's statement that the blacks were the natural enemies of the whites Tsekelo Moshesh remarked:—

Perhaps it is true, as Mr. Upington said in Parliament, we were the natural enemies of the white men, because we were black. Is that language that should be used by a gentleman and a high officer of the Government? Is it not to demoralise the hearts of the people to use such language as that?⁴

On the 6th of April, 1880, Sir Bartle Frere's proclamation was issued, disarming the Basutos as from the 21st of May,

¹ *I. P.*, C—1748, p. 35.

² *I. P.*, C—1748, p. 35.

³ *I. P.*, C—2482, 1880, p. 504.

⁴ *Ibid.* p. 499.

1880.¹ The Cape failed to disarm the Basutos, but the operations cost between 4,000,000*l.* and 5,000,000*l.*, yet Sir Bartle Frere, not content with all these wars, was desirous of sending an ultimatum to the Pondos. For this purpose he requested Sir Garnet Wolseley to lend him two regiments. This the latter refused, of which Sir Bartle Frere bitterly complained,² and Sir Garnet Wolseley had already himself drawn attention to the disastrous consequences likely to ensue from the attempt to put Sir Bartle Frere's disarmament Act in force in South Africa.

I believe that any general attempt to disarm them [the natives] would be a most dangerous experiment . . . and would end in failure. . . It would, in my opinion, be as unwise to reward this loyalty [of Basutos during the Zulu war] on their part by now calling upon them to deliver up their firearms as the demand would be futile. . . . In order to do so we should expose ourselves to the risk of a very serious war, and whether the war broke out or not we should most certainly by such action on our part convert into enemies a large section of the finest race in South Africa which is now loyal and contented.

And generally he said : —

I am sure it is at least fraught with danger to the peace of our colonies; . . . this disarmament policy will urge against us the native sentiment in every part of South Africa.³

His opinion coincided with the views of all responsible statesmen on the spot that it was madness to make the attempt of disarming the Basutos.

What had become of Confederation, the great purpose for which Sir Bartle Frere was retained in South Africa not only by Sir Michael Hicks-Beach, but subsequently by Lord Kimberley? His nominee Ministry of course agreed with the Governor on this subject, though the Premier had been a few years previously the strongest opponent of Con-

¹ *I. P.*, C—2569, p. 43.

² *I. P.*, C—2740 of 1881, p. 4.

³ *I. P.*, C—2569 of 1880, p. 36.

federation.¹ An attempt had been made in the first session of Parliament after their accession to office to obtain the consent of the Assembly to a conference with the other colonies and states of South Africa. This had been moved in the Cape Parliament by Mr. Paterson. The sense of the House, however, was unpropitious; a war on our frontier had just been concluded, with all the dislocations it had produced, and all the arrangements and changes arising therefrom still to be consolidated and carried out. Another war was apparently impending on the borders of Natal and the Transvaal between the British Government and one of the most powerful chiefs in South Africa. The people of the Transvaal, but just added to the Empire, were dissatisfied and disaffected, and unsupplied with any Government in which they had confidence, or which seemed to answer the purposes of a Government. No wonder that the House agreed that the question ought not to be then put.²

In the prorogation speech the question had been placed before the citizens as one on which they were asked to give no uncertain sound and as the most important subject which has ever been submitted to their judgment. In the ensuing session of Parliament, though urged by Sir Bartle Frere to bring forward the subject, yet his nominee Ministry had still to consider the constitutional mode of procedure—the Cape Parliament had to be reckoned with. His Premier advised Sir Bartle Frere that he saw no chance of its being dealt with by the Parliament. The state of South Africa after the Zulu war was such that it was utterly impossible to bring forward such a question with the slightest hope of success. The support which Lord Carnarvon had derived from his supposed desire to conciliate the Dutch had turned to bitter resentment owing to the annexation of the Transvaal and the policy of force which had now become apparent.

¹ See *supra*, vol. i. chapter xiii.

² Election address of Mr. Solomon, *Argus*, 7th of January, 1879.

Mr. Froude's and Lord Carnarvon's statements in this respect were recalled, and were contrasted with the action which subsequently followed. Confederation brooded like a frightful nightmare upon South Africa.¹ Sir Bartle Frere was withholding the Imperial assent to the annexation of Griqualand West. As it was desired that it should take part in the Conference, where, with its delegates under the Imperial Government, and the delegates of Natal and the Transvaal similarly controlled, there would be a majority to lay down terms in spite of whatever the Cape delegates might desire to do. Representative institutions had been promised to the Transvaal in the annexation proclamation, and the promise was repeated time after time, but it was not observed, because it was feared that were they granted before Confederation had taken place there would not be the same opportunity of carrying out the union on which all was now staked.

The difficulties which the representative bodies might raise were seen to be serious, as in the case of the Cape and its resistance to Confederation under Mr. Molteno.² It is possible that had the Transvaal been met in respect of a representative assembly at first, with wise and prudent management, the country might have acquiesced in the annexation, but after a year's experience of the disastrous want of government and the absence of any fulfilment of the promises which had been made on annexation, even the loyalists complained that the condition of the Transvaal was now worse than it had been under Boer rule. They pointed out that the taxation which would be necessary

¹ The constitution of Natal was awaiting Confederation. See despatch of Lord Kimberley to Sir Bartle Frere, 20th of May, 1880, p. 12 of *I. P.*, C—2586.

² See despatch of Sir M. Hicks-Beach, 20th of November, 1879, p. 378 of *I. P.*, C—2482 of 1880; also Lord Kimberley to Sir Bartle Frere, 20th of May, 1880, p. 12 of C—2586 of 1880. The constitution proposed by Sir Bartle Frere had been adopted by the Secretary of State as 'the only admissible form pending the discussion of Confederation,' p. 379 of C—2482.

under the system then pursued would be such as the country would find it impossible to bear. They complained that public meetings were held in front of loaded cannon—that the freedom of the press was curtailed.¹ Sir Bartle Frere himself approved of the Volksraad not being summoned. In writing to the Secretary of State on the 25th of June, 1877, he says that the suggestion to entrust the management of affairs to the Transvaal Volksraad is 'wild and unpractical,'² 'Shepstone is quite wise not to summon the Volksraad.'³

Sir Bartle Frere selected Sir Owen Lanyon as the successor of Sir T. Shepstone. In writing on the 29th of April, 1878, he asks to be allowed to retain him in South Africa, his chief reason being 'the unsettled state of the neighbouring province of the Transvaal.'⁴ Finally, he was appointed to the administratorship of the Transvaal on the 4th of March. It is a matter of history how unsuitable was this appointment, and how much it contributed to the outbreak, yet Sir Bartle Frere fully approved of Sir Owen Lanyon's proceedings in regard to the collection of taxes.⁵ Thus was Confederation keeping the whole of South Africa in a state of unrest and disquiet. And this was not only so with the European portion, for the minds of the natives had been equally unsettled by it.⁶

¹ *I. P.*, C—2144, p. 143; enclosed in despatch of Sir Bartle Frere, 26th of June, 1878.

² *I. P.*, C—1883, p. 27.

³ *Life of Sir Bartle Frere*, vol. ii. p. 184.

⁴ *I. P.*, C—2144, p. 51, despatch, 29th of April, 1878.

⁵ 'The collection of revenue has been even more lax than the administration of justice, and I will answer for Lanyon providing more than Sargeant estimated for the receipts into the Treasury.'—*Life of Sir Bartle Frere*, vol. ii. p. 308.

⁶ See Griffith's Report, *I. P.*, C—1748, pp. 33, 34, 148. Sir Henry Barkly reported to Lord Carnarvon 'that Nehemiah Moshesh was, as your lordship is aware, the originator of an attempt to raise an agitation among the chiefs in the Transkei, on the plea that a confederation among the whites for the control of native affairs ought to be met by the blacks continuing to protect themselves.'—*I. P.*, C—1748, p. 148.

Confederation was further responsible for the retention of Sir Bartle Frere in South Africa, thus giving him an opportunity of intriguing in favour of his Ministry with the whole power and prestige of an Imperial Governor and High Commissioner, and the lavish hospitality of Government House. He now directed his Ministers to continue the disarmament of the natives. Her Majesty's Government being constantly led to believe by Sir Bartle Frere that there were no serious difficulties in the way of the Cape accepting Confederation, addressed a despatch to him. Upon receiving intelligence that such a despatch was on its way, he desired his Ministers to mention the subject in the session of Parliament of 1879. They, however, perceived that there would not be the slightest chance of its being received with any approval by the Cape Parliament, and they advised Sir Bartle Frere that it would be better to make no mention of Confederation whatever until the despatch had arrived.¹

The despatch from Sir Michael Hicks-Beach, dated the 12th of June, 1879, was now received. It urged upon the Cape Governor at the earliest possible moment to consider with his Ministers whether 'general proposals for the establishment of a South African Union or Confederation may not be submitted to the Cape Parliament soon after it has assembled.' Her Majesty's Government did not intend that South Africa should continue to rely upon the Imperial troops for defence, and it stated that her Majesty's forces would only be stationed permanently as a garrison at or near Cape Town, for the defence of a naval station of great importance to the interests of the whole Empire. To relieve the Cape of the great responsibilities inseparable from the chief position in the proposed Union, Sir Michael Hicks-Beach proposed that the defensive force of the Union should be paid for by contributions in equal

¹ *I. P.*, C—2374 of 1879, p. 142.

parts from the Union and the Imperial Government. But the force raised by the Union was not to be borne on the Imperial army estimates.¹

No steps were taken in this session of Parliament of 1879.² In the recess a Minute³ of Ministers in reply to this despatch of the Secretary of State was sent home by Sir Bartle Frere, approving in principle the question of Confederation. Acting upon this, proposals for a Conference were mentioned in the opening speech in the ensuing session of Parliament, and thereupon the Colonial Secretary moved three resolutions, which ran as follows :—

(1) That in the opinion of this House it is expedient that a Conference of representatives be assembled to consider the existing relations of the British Colonies in South Africa to each other, and to the native territories adjoining, and to ascertain the practicability or otherwise of a legislative and administrative union of such Colonies.

(2) That such Conference consist of sixteen members, viz : His Excellency the Governor and High Commissioner of the Cape Colony as President ; six members representing the Cape Colony ; three members representing Griqualand West ; three members representing Natal ; three members representing the Transvaal.

(3) That the conclusions arrived at by such Conference be embodied in a report to be hereafter submitted to the legislatures of the Colonies respectively concerned, and have no binding effect whatever on any Colony until the provisions of the report shall have been confirmed by substantive resolutions passed by the legislature of that Colony, and approved by her Majesty's Government.⁴

Sir Bartle Frere in his despatch announcing these resolutions to the Imperial Government, prepared the latter

¹ *I. P.*, C—2454, 1879, p. 50.

² Sir Bartle Frere's explanations will be found at p. 291 of *I. P.*, C—2482 of 1880, and his account of the state of the question was condemned by Mr. Solomon in the ensuing session as utterly incorrect. He stated that Sir G. Wolseley's appointment and the settlement of Zululand had prevented the Ministers bringing the question before the Parliament.

³ The Minute of Ministers above referred to will be found at *I. P.*, C—2655, p. 102.

⁴ *I. P.*, C—2655 of 1880, p. 3.

for the fate which they were likely to meet by stating that adverse influences of various kinds had conspired to lessen the chance of such resolutions being carried by a considerable majority.¹

These resolutions were only proposed to save Sir Bartle Frere's position in the eyes of the Home Government. There was not the slightest chance of their being carried. Looking at them in detail, the second provides for the representation of the Colonies in that Conference, in which the Province of Griqualand West, for whose union with the Cape an act had been passed in 1878, was now brought forward as a separate province with a representation equal to half the representation of the Cape, while to Natal and the Transvaal were also assigned a representation equal to half the representation of the Cape!

With the exception of the Cape Colony, all these states were in the hands of the Imperial Government. Their delegates would be appointed by the Imperial Government. The Cape delegates would be the only delegates chosen by any of the communities to be confederated, they would be outvoted by nine Imperial delegates, while the High Commissioner himself was also an Imperial delegate. It is remarkable that a Premier of the Cape Colony should have been found who was ready to sacrifice the interests of his country in proposing such a Conference. This was one of the results of the system of nominee premiers introduced by Sir Bartle Frere.

The Cape in 1875 had absolutely and entirely refused to confederate, notwithstanding all that Lord Carnarvon's emissary, Mr. Froude, could do. South Africa was then at peace. What was its condition now? The frightful disasters of the Zulu war had shown what were the responsibilities of the defence of the Union; the annexation of the Transvaal had led to a bitter feeling of distrust in the

¹ *I. P.*, C—2655 of 1880, p. 3.

rectitude and honesty of the Imperial intentions.¹ The natives of South Africa were in a state of ferment. Those who fought with us and for us were branded as disloyal, and were deprived of what they considered a badge of freedom and manhood, a weapon of defence and a very necessary one, as the sequel showed. Violent feelings and antagonisms had been roused, and all the difficulties and all the dangers which had been predicted by Mr. Molteno and Sir Henry Barkly were being fully and amply realised.

The support of the Dutch had been withdrawn owing to the change of policy evinced in the annexation of the Transvaal; Sir Bartle Frere and Sir Gordon Sprigg attempted to regain it by a policy of 'hammering the native,' which policy on Sir Bartle Frere's side was no doubt one in which he genuinely believed. Upon the opening of the debate it was at once perceived that there was not the slightest chance of the motion being carried. The leading members who had supported Sir Bartle Frere against Mr. Molteno in 1878 had been woefully undeceived. Mr. Vincent, who was conspicuous in support of Sir Bartle Frere's action then, now pointed out that

Sir Bartle Frere came out in 1877, and Sir Stafford Northcote said he came out for the purpose of the confederation, and that he had special powers entrusted to him. He thought it was placing his Excellency in a very unfortunate position to send him out to a colony having responsible government to carry out a special purpose armed with special powers. And it was unfortunate also

¹ In regard to the annexation of the Transvaal Bishop Colenso writes, and in this Sir Henry Bulwer, as to its effect on Zulu relations, agrees with him: 'Do not forget that all this disturbance in our relations with Zululand, as well as with Sikukuni, is the direct consequence of that unfortunate annexation of the Transvaal, which would have fallen into our hands like a ripe fruit if we had not taken possession of the country like a party of filibusters, partly by trickery, partly by bullying.'—*Life of Bishop Colenso*, vol. ii. p. 469. Mr. Froude in his lectures says: 'As long as the Transvaal was independent we took the side of the natives against the President; as soon as the Transvaal was ours we changed our views, we went to war with Cetuywayo, and we have been fighting with Secocoeni.'

that he should be sent to a colony where the principle of responsible government had been so recently introduced, and to enforce a policy which was not the policy of the Ministry which had the confidence of the House.

He showed how there was a new Ministry in 1878, and that the 'Confederation ticket—which had become rather rusted—was brought out again.' He showed how it fell flat upon the country. He considered that Confederation was thoroughly undesirable and impossible, and concluded by drawing attention to the fact that 'very recently the Colony had extended its territories and its responsibilities, and it required time for development and consolidation before entering upon additional responsibility. By the extension of roads and railways, and the consequent increase of inter-communication, a feeling in favour of union would grow up steadily, if slowly, but the union ultimately brought about would be a voluntary and lasting union, based upon the wishes of the people generally.'¹ Mr. Solomon in like manner, who had supported Sir Bartle Frere as the great philanthropist in 1878, now confessed that

after our experience of the government of Sir Bartle Frere, the hopes that some of us may have entertained that the influence of the Queen's representative (little comparatively as that may be in a responsible government) would be exerted on the side of justice to the natives, have been rudely dispelled. I cannot but think that much that has happened in Sir Bartle Frere's management of affairs has arisen out of his coming here weighted with instructions, or the instruction, to carry Confederation; and, with that in view, he has pursued the course which he thought would lead to the conciliation of those with whom the issue rested, in utter disregard of those that might be considered more particularly to look to him for protection and justice.²

He had confessed in 1877 that Mr. Molteno in his native policy had realised every hope and aspiration for the just treatment and true welfare of the native which he (Mr.

¹ *I. P.*, C—2655, 1880, p. 34.

² *Ibid.* p. 88.

Solomon) had ever entertained, yet he had thrown him over for Sir Bartle Frere, taking the latter on trust as a great philanthropist. He was now woefully disappointed. He showed how, in the papers presented to Parliament, Colonel Griffith, the administrator of Basutoland, was protesting against the disarmament policy, pointing out that it was 'due to his unsullied reputation, won by thirty years' service, that he should sound a warning note.' He drew attention to the incorrect and improper character of the Governor's Minute explaining the reasons why Mr. Sprigg had not brought forward the question of Confederation in the preceding session.

Mr. J. H. Hofmeyr, who had now become a member of the House, and had immediately taken a position to which his ability and knowledge entitled him, explained that he had been a supporter of Lord Carnarvon's original policy, as enunciated by Mr. Froude, when he spoke of conciliating the Dutch colonists, and denounced the injustice done to the Free State. He showed that the Dutch

did not oppose British rule or British institutions. They objected to what had been done in this country in the British name. They drew a distinction between the British people and British officials. . . . They knew that Lord Carnarvon had the ultimate relief of the British Empire in view, but he (Mr. Hofmeyr) believed that a proper consideration for British interests was not incompatible, nay, was perfectly compatible with, a regard for the interests and rights of South Africa.

He then believed that, by a generous and just policy, Lord Carnarvon could have moulded the whole of the public feeling of South Africa into one of patriotism and loyalty to the British Crown. Had that been done, a Confederation would have had great cohesive strength. But the 'generous policy' soon gave way to one very different. War broke out in the Transvaal, and Lord Carnarvon's great principles were scattered to the winds. Secocoeni became an independent native sovereign, not a subject of the Transvaal; and to employ Swazies was a high crime and misdemeanour against civilisation. A boundary dispute broke out between the Transvaal and the Zulu king, and Sir Theophilus Shepstone discovered that the Zulu king was very much in the

right. Then it was found that the Transvaal was too 'inherently weak' to exist by itself, so it was swallowed up by England. And as soon as that was done, it was suddenly ascertained that Secocoeni was a subject of the Transvaal; that to employ Swazies in warlike operations was not an evidence of high barbarism; and, finally, that the Zulu king had really little to do with the country he claimed. All this shook the faith they had entertained, and all the cohesive force was gone. Those very places where Mr. Froude was received with such enthusiasm were among the first to condemn Confederation. He need only mention Stellenbosch, the Paarl, Worcester, and now he found that at a Boer association, formed in the Fort Beaufort division, a resolution against Confederation was unanimously passed.¹

He showed how the Transvaal had no representative institutions. He asked whether they were going to dragoon the Transvaal into Confederation. The first resolution which a free legislature would pass would be, 'We request his Excellency Colonel Lanyon to retire from the Transvaal.' He showed how Natal was likewise in the condition of having no free legislature, Crown nominees being in the majority in that Parliament. While as to the Act under which they were asked to confederate, the South Africa Act, he said that

under the name of permitting the Imperial Government to look after its interests in South Africa, it allowed constant interference in their affairs, and they would soon lose their colonial independence. It was highly inopportune under present circumstances to bring forward this measure for the Confederation of South Africa.²

The Colonial Secretary had taken good care at an early stage in the debate to announce that he would not regard the question as a party one, as his Ministry would certainly have been defeated upon it. He now accepted the previous question, which was agreed to without a division. He was then whitewashed by a vote of confidence, as it would have been only expected, had responsible government really been

¹ *I. P.*, C—2655, 1880, p. 81.

² *Ibid.*

in operation, that he would have resigned upon his policy being vetoed in this way.

Sir Bartle Frere, as usual, gave his version of the defeat of these resolutions, which misrepresented the real state of affairs, and showed a want of appreciation of the whole position. He attributed it in large measure to the action of two delegates from the Transvaal. To those who have read these pages thus far it will be clear that this is no explanation at all, the cause lay far deeper, and had arisen long before, from the first refusal of the people of the Cape to enter into a conference.

This finally disposed of the Confederation question in South Africa. It was dead long before. It was now decently buried. Immediately the Imperial Government heard of this result, Sir Bartle Frere, who had been permitted to remain in South Africa for the purpose of Confederation and for that alone,¹ was immediately recalled. This recall took place on the 1st of August, 1880.

It is interesting to observe what Lord Blachford had written to Sir Henry Taylor, in regard to the proposed recall of Sir Bartle Frere on the 30th of March, 1879, and before the Disarmament Act had been put in force in Basutoland :—

My notion about the recall is this. I agree with you that if Frere's presence in South Africa was good for the public, it might not be wise to sacrifice the Colony to departmental discipline. But I think he is a mischief, and that his recall is in itself a good. Nothing I conceive—or rather infer—will make him carry into effect with reasonable loyalty a policy that is not his own. And he has the power, so long as he is there, of forcing the hand of Government to any extent. If he does not choose to make peace it will not be made. If he chooses to go on massacring those unlucky savages on the plea that if we do not kill them they will kill us, the Government which upholds him must send as many troops as he asks for. And if another disaster should occur, and if the Cape natives whom we are trying to

¹ Page 85 of *I. P.*, C—2740 of 1881, despatch of Earl of Kimberley, 14th of October, 1880.

disarm should rise behind us, and the Boers declare themselves independent in front of us, we shall have a pretty job on our hands. The announcement of an intention to disarm even friendly natives I have heard long ago spoken of by South Africans as wildly imprudent.¹

Mr. Molteno had always drawn attention to the important effects of a true representation of South Africa in its Parliament. The Government of South Africa had now got out of touch with the people. Sir Bartle Frere's nominees were in power in the Cape Colony. Sir Owen Lanyon was dragooning the Transvaal. Sir George Colley, a military man, was ruling Natal under a constitution in which Government nominees were in the majority. What was the result? Nothing more and nothing less than this—the country population finding themselves unrepresented, their wants not understood, their wishes disregarded, ignored the Legislatures and Government. In 1880 was founded the Afrikaner Bond; great meetings were held and congresses, and an elaborate organisation established, as it were an *Imperium in imperio* arising out of this great fact, that representation was no longer a real representation in South Africa.²

Before leaving finally the subject of Sir Bartle Frere's action, we may draw attention to the character of the

¹ *Letters of Lord Blachford*, p. 395.

² One of the resolutions of the Boer meeting of the 10th of December, 1878, demanding their independence, ran as follows: 'The time of memorials to the English Government has passed. It is impossible to be saved by that way. The officials of her Majesty the Queen have, by their untrue and false representations, shut the doors to her Majesty and the Parliament. They are responsible for that. The people have done what they could again and again to go to the Queen of England, for they believed that, as surely as the sun shines, if the Queen of England and the people of England knew that a free people were oppressed here, they would not allow it. England has been everywhere a protector of liberty, and would protect our liberty if she knew that it was oppressed; but the officials of her Majesty in South Africa, who continue defending the necessity of the annexation, hide truth, and smother our voice. We can therefore speak no more to England. Nobody is there who replies to us.'—*A Narrative of the Boer War*, Carter, p. 81.

despatches by which he misled the Imperial Government. He continually announced that the dissatisfaction of the Transvaal was confined to a few malcontents who were coercing the rest of the country. From want of knowledge of the country, its circumstances and its people, he failed utterly and entirely to appreciate the deep-seated feeling of independence, which was the very life-blood of these people.

We may recall here the description which Mr. Molteno gave, in his first session of the Cape Parliament, of the character of the Dutch: they were long-suffering, they endured evils up to the last moment, but finally they would take the law into their own hands. And again, when he warned Sir Philip Wodehouse that if taxes and contributions were to be wrung from the people of South Africa by officials who were out of sympathy with them, and who did not understand them, they would not endure it, *and only overwhelming force could compel them*. Had the advice of men who thus knew the country been followed, the terrible mistakes of the Imperial Government would have been avoided. When we look at the history of South Africa, we are compelled to admit that it is in spite of the Imperial Government that it still remains under British influence—it has been retained for the Empire by the energy, the activity and enterprise of the individual Englishman.

The results of Sir Bartle Frere's policy and that of his nominee, Sir Owen Lanyon, were soon to startle the world. The Boers had bitterly resented the reports which Sir Bartle Frere had sent home regarding them. In speaking of these reports they say:—

Such self-deception is remarkable. Of all British officials who have honoured the Transvaal with a visit, there is certainly not one who has created a deeper impression of distrust than this writer; and there is no English statesman who has increased the aversion of our countrymen against British rule to such a degree as Sir Bartle Frere has done. Indeed, we are firmly convinced

that the difficulties in South Africa would not exist if we had been left to ourselves. Men like Sir Bartle Frere are the causes of all the trouble and sorrow.¹

Sir Bartle Frere may have had some excuse for misrepresenting the feelings both in the Cape Colony and the Transvaal in regard to the annexation of the Transvaal when he first arrived in South Africa. It was inexcusable that he should continue to do so, looking to the overwhelming evidence of the disapproval of that annexation which now came before him. In addition to the various petitions, to some of which we have already alluded, praying for the reversal of that annexation, a most important and representative deputation of members of Parliament and others in the neighbourhood of Cape Town waited upon him early in November, 1879. It included names connected with such diverse parties as those of Mr. Saul Solomon, Mr. Stigant, Mr. Merriman, Mr. Hofmeyr, and Mr. Van der Byl, all members of the Legislature, together with many other leading members.

This deputation urged upon him that the state of affairs in the Transvaal had become intolerable. They pointed out that although many of them had approved of the annexation when it had taken place upon the information then available, they had now come to the conclusion that the people of the Transvaal had been misrepresented from the very beginning. Mr. Solomon in particular admitted that he had been in error in this respect, while they further pointed out that the promises made at the time of the annexation had not been carried out. They urged the following resolution:—

That for the peace and good government of South Africa generally, it is desirable that the Government of the Transvaal

¹ Letter of Messrs. Kruger and Joubert to Mr. Courtney, to be found in *J. P.*, C—2655, p. 99. A very able and impartial writer says: 'Sir Owen Lanyon, Sir Bartle Frere, Sir Garnet Wolseley, never were popular, and never could gain popularity amongst this people. Had Downing Street known anything about Boer character, neither of the three gentlemen last named would ever have crossed the border.'—*A Narrative of the Boer War*, Carter, p. 48.

should be settled upon some basis that would ensure permanent tranquillity to that country, and with the view of ascertaining the real state of the feelings of the inhabitants, a convention should be summoned to discuss the question of the present and future position of the Constitution, and that in the event of the majority being against the retention of British rule, *the independence of the country should be restored* under such guarantees as will ensure its future good government, and the maintenance of peaceful relations with its neighbours.¹

Sir Bartle Frere, in reporting this to the Home Government, said that 'the proposal contained in the resolution did not, to my apprehension, seem sufficiently definite to furnish a basis for discussion of any practical value.'² But other evidences were not wanting in addition to the constant reiteration of the desire on the part of the Transvaal people themselves for the cancellation of the annexation. In the Conference debate in the Cape Parliament which took place in the ensuing session of 1880, his own Premier had publicly declared that he did not 'approve of the manner in which the annexation of the Transvaal was effected.'³

If we look at the views of public men in Natal, which it may be said were less likely to be biassed by Dutch feeling, we may quote what Mr. (now Sir John) Akerman, an Englishman with a thirty-five years' experience of the country and a residence of several years among the Dutch, said at this time in the Natal Council, in answer to Lord Carnarvon's scheme of 'an extended South Africa and a confederated South Africa':—

But in pursuance of the motto quoted, the annexation of the Transvaal and the subjugation of Zululand must be performed to accomplish extension and confederation. After this, we know what took place step by step. First, the taking of the Transvaal, for which some pretext must be given. Its finances were deranged, but it was not stated how many families suffered in England from penury caused by default in Turkish Bonds, yet Turkey was not annexed. The Transvaal practised slavery, but

¹ I. P., C—2482, 1880, p. 446.

² *Ibid.* p. 444.

³ I. P., C—2655, 1880, p. 27.

no one told how the reception by royalty of its President had condoned this. The Transvaal was in danger of Zulu savages, and the savages if successful would endanger British possessions. But did the thought never occur that the Free State adjacent numbers its sixty thousand of people of the same families as the Transvaal, who would never have stood by and seen their relations massacred? Judging from the deeds of the heroic Piet Uys, one could assert that 3,000 mounted Boers would have swept the Zulu country. What a marvellous change is wrought in the meaning of words with an altered prefix! The wretched mendicant who, driven by hunger, seizes his neighbour's loaf, is placed in the dock, and we say he is guilty of peculation. A bandit who, after entering a castle, removes his disguise and ejects its inmates, commits, we say, spoliation. But if we take the whole country from its inhabitants who have moistened its soil with their blood in conquering and settling it, we pacify our consciences by declaring it to be annexation. Mr. Trollope, whom we regard as the Government apologist, declares the taking of the Transvaal to be the highest-handed act recorded in history. In judicial procedure no man may take advantage of his own wrong, but in politics everything seems permitted.¹

We have already given expression to Mr. Molteno's views on this subject, views which he had expressed when he informed Lord Carnarvon in 1876 that he would have nothing whatever to do with what appeared to be his proposed policy in the Transvaal. From these views he had never wavered. Looking to this consensus of testimony on the part of those best qualified to know and to represent the feelings and wishes of South Africa, it is remarkable that Sir Bartle Frere continued to cherish the forlorn hope of effecting Confederation. His was the fate of the gambler who had

¹ Even Bishop Colenso, who would naturally be inclined to take the side of the natives as against the Boers, writes: 'About matters in the Transvaal. My conviction is very strong that the Boers have been most shamefully treated . . . that they have acted admirably, restrained by wise leaders, and (again like Cetywayo) have done their utmost to avoid collision and bloodshed, although any Englishman could have told them that all their forbearance, and their appeals to English justice and equity, would be thrown away with the men now in power. As to their treatment of the natives, have the Boers done anything so horrible as killing hundreds of women and children by dynamite (or gun-cotton) in the caves at Intombe, and (I fear, but cannot assert) at Sikukuni's?' — *Life of Bishop Colenso*, vol. ii. p. 533.

played for high stakes and who was losing : he clung persistently to the last shred of hope in the cast of another die. The rejection of the Conference resolutions in the Cape Parliament annihilated that hope, but this hope led Sir Bartle Frere once again to force the hands of his superiors.

Lord Beaconsfield's Government had been driven from power by the fatal effects of its policy in India as in South Africa. The verdict of the General Election was an overwhelming one in condemnation of the policy pursued in both continents. The new Ministry took office officially on the 28th of April, 1880. It was, however, known a day or two before that Lord Kimberley would receive the seals of the Colonial Office. Sir Bartle Frere on the 27th of April, addressed a telegram to him, in which he represented that the Cape Parliament would meet on the 7th of May, and that his 'Ministers were desirous before preparing the opening speech to know whether her Majesty's Government contemplated any alteration in the instructions he had received with regard to the retention of the Transvaal and the constitution promised to Natal and the Transvaal, as bearing on the proposed Conference respecting confederation.'

The Cabinet only came into office upon the day following. Lord Kimberley replied that the matters to which he referred were so important that they required full and careful consideration, and that he would communicate the views of her Majesty's Government with 'as little delay as the circumstances would admit.' Sir Bartle Frere was not to be put off. He saw his opportunity in the ignorance of the state of affairs on the part of the new Cabinet and the confusion attaching to the first days of office. He telegraphed again on the 3rd of May that the report of an intention to give up the Transvaal had caused great uneasiness, and urging, 'that the result of abandonment would be fatal to Confederation, and would possibly entail a civil war in the Transvaal.'

This he represented 'might be prevented by an early assurance that the annexation was irrevocable.' On the 6th he telegraphed again that 'an early announcement of policy respecting the Transvaal would prevent the mischief arising from agitation.'

Thus was the hand of the Liberal Government forced by Sir Bartle Frere. On the 12th Lord Kimberley instructed him to continue to use his best efforts to secure Confederation, 'that the sovereignty of the Queen over the Transvaal could not be relinquished,' but that he hoped that the speedy accomplishment of Confederation would enable free institutions to be given to that Colony with promptitude, and also, as already proposed, to Natal.¹

Well might Mr. Gladstone declare, with all that fiery indignation and righteous wrath which were peculiarly his own, that he was deceived by all who professed to know the feelings of the people of the Transvaal, that high and low, whether official by position or officious strangers, all combined to give a false picture of the actual state of feeling, and that had he known what that feeling was—as it was subsequently proved to be—he would immediately on the resumption of office in 1880 have handed back the Transvaal to the government of its own people. Sir Garnet Wolseley's despatch referred to below had been addressed to his predecessors in office, and he was in all probability unaware of its contents.

To show how the poison of the suggestion of civil war should the Transvaal independence be given back worked, we may observe that in the debates in Parliament this was put forward as the main reason why the annexation should not be reversed. The Under-Secretary for the Colonies, Mr. Grant Duff, said:—

In the Transvaal itself, the anti-British party was getting weaker, and the pro-British party stronger. If England were to

¹ Despatch of 20th of May, 1880, *I. P.*, C—2586, p. 12.

retire from the Transvaal what would happen? Would the men of English race all leave the country? No, indeed. The first thing that would happen would be a civil war between the pro-British and the anti-British party.

While on the 24th of May Lord Kimberley said :—

The effect of our now reversing our policy would be to leave the province in a state of anarchy, and possibly to cause an internecine war. For such a risk I could not make myself responsible.¹

Yet the representative of the Imperial Government—the High Commissioner for South-eastern Africa—had warned the Government that the majority of the Dutch were disaffected, but Sir Bartle Frere had once more interfered with what was not really his province. Just as Lord Salisbury had taken his view of the Afghan question rather than those of the then Governor-General and of a previous one, Lord Lawrence, so now the Liberal Government, misled by the reputation of Sir Bartle Frere, neglected Sir Garnet Wolseley's warning conveyed in his despatch of the 29th of October.

I am compelled to recognise the continuance of grave discontent. I am informed on all sides that it is the intention of the Boers to fight for independence. . . . There is no doubt, I think, that the people are incited to discontent and rebellion by ambitious agitators ; but I am compelled also to allow that the timid and wavering, who are awed into taking side against us, are comparatively a small party, and that the main body of the Dutch population are disaffected by our rule.²

We have seen in these pages the mischiefs wrought by British officialism ; how it had been resented before the grant of representative institutions, and the dangerous condition of South Africa in consequence. These difficulties continued in a modified form until responsible government was granted. Lord Carnarvon withdrew responsible government when he attempted to force his Confederation policy,

¹ Speech of Lord Kimberley, 24th of May, 1880, in House of Lords.

² Quoted in *A Narrative of the Boer War*, Carter, p. 79.

and when he chose Sir Bartle Frere to be dictator of South Africa. We have seen the terrible evils which resulted from that fatal choice. 'On a platform of ten millions of pounds had been raised a hecatomb of ten thousand human bodies in support of the policy of Confederation.'¹ But there was more to follow. These words were used before the Basuto war and the Boer war.

There was a strong popular demand for Mr. Molteno's return to public life. This was evidenced by the receipt of various requisitions to stand for constituencies as a representative both in the Legislative Council and in the House of Assembly. Mr. Molteno saw, however, that he could do no service to the country while Sir Bartle Frere was permitted to exercise personal rule over it, and he refused these requisitions until it became apparent that the latter's policy was an absolute and disastrous failure, and that he could remain but little longer in South Africa. Then, in 1880, he again entered Parliament, being returned unopposed for the constituency of Victoria West, which had once formed part of his own constituency of Beaufort West. Sir Bartle Frere had been recalled after the session of that year, but he had already lit a fresh conflagration by the promulgation in Basutoland of the Peace Preservation Act in April.² Upon this, the Basuto war followed before the close of the same year.

When Parliament met in the session of 1881, the first session after Sir Bartle Frere's departure, his nominee, Mr. Sprigg, no longer having the support and patronage of a partisan High Commissioner, was defeated and a new Ministry was formed.³ Mr. Molteno agreed to give the benefit of his

¹ Speech of Mr. Aekerman on responsible government, 1879.

² *J. P., C.*—2569 of 1880, p. 43.

³ The intimate connection between Sir Bartle Frere's recall and the downfall of Mr. Sprigg was evident even to observers at a distance. Bishop Colenso writes under date the 22nd of July, 1880: 'War has broken out in Basutoland in consequence of the policy of Sir Bartle Frere and Mr. Sprigg . . . and it is

experience and knowledge and the weight of his influence to the new Ministry formed by Mr. Scanlen. He had in the dismissal debate stated that he would not again become Premier had he the opportunity. He was ready, however, to aid the new Ministry with his counsel and advice, and with his unrivalled experience. He resumed his old office of Colonial Secretary in the new administration. But in what a sad and terrible condition was the fair country now compared with its condition when he was unfettered in carrying out his Colonial policy, a period which lasted until the departure of Sir Henry Barkly and one session more.

The country was overwhelmed with debt. Its obligations when Mr. Molteno was dismissed in February, 1878, amounted to 7,449,000*l.* In 1881 the debt had risen to 16,098,000*l.* Every penny spent during Mr. Molteno's administration (with the exception of the small war expenditure incurred before the dismissal) was represented by reproductive works. In the three short years succeeding the debt had been more than doubled. But what a difference in the character of the expenditure. Nearly 5,000,000*l.*¹ had been spent on war, taxation had been enormously increased, the customs dues had been raised to an inordinate rate, a House Duty had been imposed, an excise had been put in force; but the resources of the country had not been extended. If we take the external trade of the Colony as an index of its resources, we find that imports and exports together amounted in 1866 to 4,530,000*l.*; in the succeeding ten years they had risen, in

impossible to say what may be the result of this disturbance. . . . It is a most lamentable result of Mr. Gladstone's miserable folly in keeping Sir Bartle Frere at the Cape, on the old principle, "It is difficult to swop horses crossing a stream." What I hope is, that Sir Bartle Frere will be recalled, in which case Mr. Sprigg will fall; and with a new Governor and Ministry at the Cape I do believe it would be possible to bring about amicably the confederation or amalgamation of both Pondoland and Zululand.—*Life of Bishop Colenso*, vol. ii. p. 551.

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impossible to say what may be the result of this disturbance. . . . It is a most lamentable result of Mr. Gladstone's miserable folly in keeping Sir Bartle Frere at the Cape, on the old principle, "It is difficult to swap horses crossing a stream." What I hope is, that Sir Bartle Frere will be recalled, in which case Mr. Sprigg will fall; and with a new Governor and Ministry at the Cape I do believe it would be possible to bring about amicably the confederation or amalgamation of both Pondoland and Zululand.—*Life of Bishop Colenso*, vol. ii. p. 551.

¹ The exact figure is 4,794,735*l.*, and 75,000*l.* as compensation for loyal Basuto losses. See Appropriation accounts for the years 1877-1885.

1876, to 9,055,000*l.*, or an increase of 100 per cent. as a consequence of the state of peace and prosperity introduced and maintained under Mr. Molteno's administration. If we take the next decennial period, 1876-1886, they amount in the latter year to 10,773,000*l.*, or an increase of only 1,700,000*l.* in ten years. Thus the burden of taxation had to be borne on a total trade which had practically been stationary.

When the new Ministry entered on office a war was raging in Basutoland. In other parts of the country the feelings evoked by the war in the Transkei and the disarmament of the natives were still in existence. The white population were divided by the events of the annexation of the Transvaal and its restoration to independence. The fair fabric which Mr. Molteno had done so much to raise, of material prosperity, of extension of civilisation to the neighbouring tribes, was now a battered ruin. The great works which he had projected and which would have been possible had not this disastrous period intervened, were now rendered utterly impossible by the crippled resources of the Colony. Under such a weight of debt no great irrigation works could be attempted. All that could now be done was to temporarily repair the damage and wait patiently for the healing influence of time.

It was impossible to carry out such a great revolution as was involved in the dismissal of a Ministry, possessing the confidence of the Parliament, and the substitution of one maintained in power by the full prestige and patronage of the Imperial High Commissioner, without profoundly altering and modifying the position of the political parties in the Cape Parliament. This revolution, taking place so soon after the introduction of responsible government, had the most disastrous political effects in disturbing the natural course of events, and the gradual evolution of political principles. It was action of an altogether unexpected character, and such as the Colony had a right to look to the Imperial Government to be protected from.

The position of a subordinate in a Ministry to one who had held the Premiership so long, soon became very irksome, and after seeing the Ministry firmly established, Mr. Molteno resigned his office and retired into private life. Marks of royal favour had been offered to him on many occasions, but he had consistently refused them all. Now, however, that he had retired, he accepted the K.C.M.G., and this was made the occasion of many complimentary addresses expressing the sense of his service which prevailed throughout the Colony. 'The congratulations which the bestowal of this honour evoked from men of all shades of opinion throughout the Colony, showed that when the dust of battle had cleared away colonists were ready generously to remember the lifelong services of one of the most representative men that this country has yet produced.' The simple words in which the late Lord Rosmead, then Sir Hercules Robinson, conveyed the offer, speak even more eloquently of the position held by Mr. Molteno in the estimation of those best qualified to judge :—

Government House, Cape Town, 12th of August, 1882.

DEAR MR. MOLTENO,—I have a telegram from Lord Kimberley this morning begging me to inform you that he will feel much pleasure in submitting your name to the Queen for the distinction of K.C.M.G. in the event of your being willing to accept the honour.

It is very gratifying to me to make this intimation to you, and I may add that I do not think such a mark of the Royal favour has ever been more deservedly bestowed.

Yours sincerely,
(Signed) HERCULES ROBINSON.

In the universal admission that the High Commissioner-ship of South Africa is the most difficult post in the Empire,¹

¹ 'South Africa was perhaps the most difficult problem with which they had now to deal.' Speech of Lord Kimberley, Royal Colonial Institute, 20th of April, 1899.

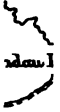
has at length come a realisation of the fact that the conditions of government are more complicated in the case of South Africa than in any other portion of the Empire, and are such as demand the highest qualities of statesmanship. They must produce statesmen in South Africa capable of dealing with them if the country is to prosper. We may therefore expect statesmanship of a high order to be developed in South African politicians. Mr. Molteno was one of the statesmen produced by these conditions, and who proved himself by the universal success of all his measures equal to cope with them.

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CHAPTER XXXIII

CONCLUSION

Estimate of Mr. Molteno's Character—Testimony of Colleagues—Of High Commissioners—Of Sir George Grey—Opponents' views—Lord Wolseley's—Lion of Beaufort—Personal Reminiscences—Last Years.

IT remains now to say a few concluding words of general application to the character of the principal figure of our story. The history of his work has been the history of the man. Mr. Molteno's personal character cannot be separated from his work. 'Whatsoever his hand found to do, he did it with his might,' is the key-note of his whole life. All must yield to the great task, to which he, compelled by that strong sense of duty, devoted his life. His private affairs, owing to the terrible droughts which devastated the Colony in the latter years of his administration, were in need of his personal care, but he could not devote to his mere private affairs the attention of which the condition of the Colony was then in utmost need. So when his second wife was taken from him he still found in the strenuous labour attending the Langalibalele episode and the Froude agitation his consolation and an object which permitted of no faltering.

His mind was great and powerful, though perhaps not of the very first order, his penetration was strong, and no judgment was ever sounder. Great as was his power in debate, in council he was greater. There his influence was supreme, and if his sense of power made him a little exigent at times, his generosity won the hearts of his colleagues,

who learned to know his worth and repaid it with a devotion of which any man might be proud.

A very strong feature in his character was prudence; he never acted until every circumstance was maturely weighed, refraining if he saw a doubt, but when once decided, going through with his purpose whatever obstacles opposed. In this his character might be said to resemble Washington's.¹ When we look at his resistance to Lord Carnarvon's agitation throughout the Colony, raised by his instrument Mr. Froude, at the pressure brought to bear on him by Lord Carnarvon himself, and at the subsequent attempt of Sir Bartle Frere to force his policy upon him with all the imperiousness of an Anglo-Indian training, we may well say with Horace:—

*Justum et tenacem propositi virum
Non civium ardor prava jubentium,
Non vultus instantis Tyranni
Mente quatit solida.*²

His advocacy of responsible government and his resistance to Sir Philip Wodehouse's autocratic rule, exhibit the same side of his character. It was at this time that he earned the sobriquet, by which he was known throughout South Africa, of the Lion of Beaufort, from his fearless, his disinterested and powerful advocacy of popular government, and his exposure of wrongs and abuses.

His integrity was absolutely pure, his justice was inflexible; no motives of interest or relationship, or friendship, or hatred, were able to bias his decision. He knew how to refuse local demands for public works which were not of advantage to the whole Colony. His action in inviting his bitterest opponents on the responsible government question to seats in his Cabinet when that question was once settled proved his generosity and large-minded character. If we are to regard genius as 'an infinite capacity for work,

¹ See Jefferson's *Life of Washington*.

² Book 3, ode 8.

growing out of an infinite power of love,'¹ then Mr. Molteno had genius of a high order, as exemplified by his unremitting toil for the good of his country springing from his great love for it, and his determination to secure for it a freedom from the evils of misrule of which he was at all times and in all places a strong and inveterate opponent. He amply justified the existence of responsible government by his successful administration during five years of 'the grandest of all human undertakings—a wise and happy self-government.'²

We may refer to some observations on his character by those who were in a position to judge best. The Hon. C. Abercrombie Smith, at one time a colleague in his Cabinet, says:—'The confidence which the Colony reposed in Sir John Molteno was largely due to his caution and sound common sense. Of details he was very impatient, but when a difficulty arose, he was almost certain to be able to suggest a broad common-sense principle which, if the inquirer possessed his confidence, he would not attempt to apply to the details of the case, but leave for the applicant to work out for himself. . . . In all matters of finance Mr. Molteno was his own Chancellor of the Exchequer, and notwithstanding the imperfections in the system of accounts already alluded to, his budget speeches were eminently clear and satisfactory.'

Another colleague, the Hon. J. X. Merriman, writes:—'When I first knew Sir John Molteno—then Mr. Molteno—in 1869, it was in the old era of Cape politics, before the events to which I shall presently allude had roused passions and created antagonisms which have not yet worked themselves out. The principal questions occupying Parliament were the agitation for what is known as responsible government and for the abolition of State endowment to religion. In the former Mr. Molteno was the leader of the country

¹ Thring, *Theory and Practice of Teaching*, p. 62.

² Mommsen, *History of Rome*, vol. i. p. 412.

party, whose entire confidence he possessed, and he contributed perhaps more than anyone else by his practical exposition of fiscal and other grievances to the ultimate downfall of the old form of government. In this, as in everything else, he was severely practical, leaving the philosophical arguments in favour of the reform to others. During the year 1869-70, the colonial finances were at a very low ebb, and Mr. Molteno used to the utmost the advantage which the natural discontent of the taxpayers gave the advocates of reform, by subjecting the colonial Budget to the most minute and searching criticism. His position as a man of large means and entire freedom from the taint of suspicion of personal aims, gave him the influence which legitimately belongs to those who have a large stake in the country whose affairs they aspire to direct. With all his liberal ideas on the question of self-government, Mr. Molteno's bent of mind was certainly conservative, slow to snatch at change for the sake of change, and determined to weigh carefully every argument before he committed himself to any given course.

'I suppose no one before or since has so completely obtained the confidence of the better class of the colonists of Dutch descent. As a large landowner, as a Conservative, and at the same time an ardent believer in the right of self-government for the community, Mr. Molteno was looked up to as the natural leader of the country party, whose policy he guided without pandering to their prejudices. In 1872, when the full rights of responsible government were conceded, Mr. Molteno became the first Prime Minister of the Colony, with the cordial assent of all classes of the community, who recognised in him a thoroughly safe man. He was favoured by fortune in the matter of finances, which, owing to the discovery of the diamond fields, entered on a period of unexampled prosperity. In 1874 Mr. Molteno introduced a measure of railway construction estimated to

cost nearly 5,000,000*l.* sterling and to provide for 900 miles of construction. It is not too much to say that no one else could have hoped to get such a measure through a Parliament largely composed of small landowners in a country divided by local jealousies, and having just emerged from a period of financial difficulty and distress which had left it extremely suspicious of any new scheme which proposed to add to the burdens of the people. That railways would eventually have come is certain—that they came when they did and that the impetus which is due to their influence in opening up the continent took effect a generation before it otherwise would have done, is mainly owing to the personality of Mr. Molteno, who was able to persuade the Cape Parliament to enter on what at that time was considered a gigantic scheme of public works.

‘It was very characteristic of the man, that having thought his plans most carefully out, when the time for action came he never drew back or faltered, but used all his energy, influence and determination, to carry through in the face of every obstacle the policy that he had maturely adopted. . . . In order to carry out his railway schemes, and with a view of raising the large sums necessary at a time when colonial borrowing was not so much in favour in the English money market as it has since become, Mr. Molteno devoted the most careful attention to the finances of the Colony. The access of prosperity already alluded to enabled him to pay off all the floating loans accumulated by his predecessors. He abolished the antiquated sinking fund, and by a wise provision devoted the sum accruing and the surplus of revenue to the construction of public works, twenty per cent. of the estimated cost of his railway scheme being thus provided for. In addition to the large railway scheme, the system of national telegraphs was begun and actively prosecuted by Mr. Molteno, who was enabled during his first administration to devote a sum of 180,000*l.* out of

revenue to the construction of new lines, which proved an immense boon to intercourse, and gave an impetus to similar undertakings all over South Africa. From a material point of view, Mr. Molteno's administration, 1872-1877, was eminently successful. A large railway scheme was begun, telegraphs were extended, and a tentative beginning was made in a comprehensive irrigation policy. The finances were well-ordered and prosperous.'

On another occasion¹ the same statesman said: 'Sir John Molteno was above and before anything else a Parliamentarian. Sir John Molteno felt that when he entered Parliament he gave himself up to the service of his country, and after realising what in those days was considered a fortune, he scorned delights and lived laborious days. Sir John Molteno was before everything else a South African. He was a type of the best kind of South African people, prudent, cautious, and with a great deal of common sense. He had, more than anyone else, unreservedly the confidence of the people of this country. He devoted himself to public affairs with the same success and prudence which he showed in his own affairs. . . . He belonged to the same type as Sir Robert Walpole. He was pre-eminently a practical man. People used sometimes in a good-humoured way to condemn the finance of what was called "the Beaufort Boer," but it was sound finance, and he always knew how far money would go.

'Another virtue he had as a politician, and it was no slight virtue, he knew how to say "no." When people came to him for little local jobs, Sir John Molteno, if it was to the interest of the country, had no hesitation in saying no, and he generally said it in such a way that people went away satisfied, if not pleased. As a leader of a Cabinet, he gave his colleagues his confidence, and if any of them made a mistake—and some of them did make mistakes in those

¹ *Argus*, 11th of June, 1892.

days—he never cast it up in their teeth. He was supposed by some to be slow-going. Not at all. No man except Sir John Molteno could have inaugurated the great railway scheme in this country. I feel perfectly certain that if Sir John Molteno had been spared to remain in the government of the country he would have carried out a great irrigation scheme, for his heart was in that work. After all it was not the material wealth of a country that made a people, it was the men who were produced in the country.’

Sir Henry Barkly, the High Commissioner under whom responsible government was introduced, writes¹:—‘The principle on which he acted seemed to me indeed always to confine his attention as far as possible to the development of the Cape Colony, and not to seek to increase its responsibilities in connection with the rest of South Africa more than he could help. He always preferred leaving me as High Commissioner to deal with such matters; and even in the case of Basutoland and the Transkei, left me a free hand as far as possible. Not that he was disposed by any means to underestimate his constitutional rights as Prime Minister, or acquiesce in Imperial interference in the affairs of the Cape Colony! On the contrary, he took what I consider an extreme view in this respect, and I had occasionally a very difficult part to play between his scruples, and the expectations of such a Secretary of State as Lord Carnarvon, that I as Governor could make his lordship’s views known to the colonists.

‘You will find a good illustration of this in minutes interchanged between us at the time Lord Carnarvon ordered Langelibalele to be released from Robben Island. On my communicating to Sir John Molteno in writing my idea of the course to be pursued, he took exception to my offering any opinion on the subject until Ministers had advised me what ought to be done; and on my convincing him by

¹ In a letter to the author, of the 6th of January, 1894.

quoting precedents that it was my duty on such an occasion to try to reconcile the different views of the Imperial and Colonial Governments, he intimated his reluctance to my publishing Lord Carnarvon's despatch as directed, except accompanied with Ministerial comments. After some discussion, however, he waived his claim to do so, and adopted my suggestion of legalising the detention of Langalibalele on the Cape Flats.

'As respects Sir John Molteno's fitness for the performance of the duties of Prime Minister on the occasion of the first introduction of responsible government, his straightforward character and unremitting devotion to the development of the resources of the Cape Colony by means of railways, telegraphs, harbour improvements and the like, I should like to express my views more fully and deliberately than I can do here, but I may say now that it has always struck me as a singular piece of good fortune, not for myself alone but for the future of South Africa, that I should have such a man ready to my hand when it became necessary to reorganise the administration and carry out the new system.'

We have already referred to the co-operation and sympathy between Sir George Grey and Mr. Molteno. Sir George Grey constantly consulted him in his great plans for developing the resources of the Cape Colony and making its Government unquestionably more powerful than the surrounding native tribes, using such power for the good of the native. He carried on this side of Sir George Grey's policy when he became Premier in 1872. He was also in agreement with his plans for making education go along with the Boer advance into the interior as evidenced by the founding of the Grey College at Bloemfontein. Sir George told the writer how on one of his tours through the Colony he was received by Mr. Molteno in his district of Beaufort, how he rode with him over the vast

country, and received a description of his plans for its development.

Sir George Grey said to the writer:—‘I found Mr. Molteno a very active member of the Cape Parliament. I regarded him as a very able and a very good man. When I look at you I am carried back to the time when I sat with Mr. Molteno by the side of a stream in the desert (Karoo) and we talked of many things, and he and I from that day to this—he until he died—never changed, never swerved, from the ideas which we then held. . . . Sir John Molteno’s was an interesting life. The early independence and then the isolation in the desert where the solitude and quiet and any leisure were devoted to thought and a preparation for the great part which he was to play. Though alone and removed from the ordinary environment of civilisation and society, which might have given aid and stimulation, he never went back, but always grew in his grand ideas of freedom, of good government and desire for the welfare of the country. Then after this solitude he comes forth and takes his part on the stage of life in the highest position, and carries out his long-pondered and well-devised plans; they succeed, but he goes too fast for many who never wish to progress at all, and he is thwarted and eventually has to succumb to these reactionary forces, and has to see others spoiling the work he has done so well, and then he too has to pass away. The best reward is the work which he has done, and this will be acknowledged more and more as time goes on.’

It was characteristic of Mr. Molteno in his politics, as in his personal relationships, that he knew nothing and would know nothing of the territorial and race ‘lines of cleavage’ which are struck to suit the purposes of politicians of our day. The word ‘Dutch’ was never heard in politics, and projects of territorial separation were always stoutly and successfully resisted. It was in order more completely to

do away with the very names of East and West that Mr. Molteno carried his Seven Circles Bill, by which the members of the Legislative Council were returned for circles carefully designed so as to break up the distinction between the Eastern and Western Provinces fostered by the previous composition of the Legislative Council.¹

Mr. Molteno's courtesy in the discharge of his duties in office was universally acknowledged, and a fitting tribute to it is paid in the following letter from Sir Charles Mills, who acted as Under Colonial Secretary throughout his premiership:—

8 Albert Mansions, Victoria Street, S.W.:
19th August, 1882.

MY DEAR SIR JOHN MOLTENO,—Permit me to tender you my hearty congratulations and best wishes on the well-merited honour which her Majesty the Queen has been pleased to confer upon you.

Few men know better than I do how eminently deserving you are of this, and indeed of any distinction with which thorough integrity, sterling honesty, and unremitting zeal in the discharge of onerous and responsible public duties can be rewarded. None can more earnestly and sincerely wish you a long and happy life, to enjoy the honour which you have now received, and, what is yet more precious, the universal regard and esteem of your fellow-men.

Permit me to avail myself of this opportunity to express to you my grateful thanks for all the consideration and kindness which I have received at your hands during the many years I had the pleasure and privilege to be associated with you in our official duties. They will never be forgotten.

Again congratulating you most heartily, I am, with kindest regards and best wishes,

Yours sincerely,
CHARLES MILLS.

So perfect was this courtesy springing from a very genuine nature, that the leading Dutch paper, in reviewing his work at his death, devoted its sketch of his character to an expression of this side of it, and attributed to him the

¹ *Cape Argus*, 3rd of September, 1886.

best qualities which constitute an English gentleman, and to showing the importance of this frank and generous character in the solution of South African problems. There was no personal bitterness in him. We have shown Mr. Froude's appreciation of him in his farewell letter, which is remarkable considering the violence and excitement occasioned by his attack on Mr. Molteno and the difficulties created by Mr. Froude's astounding interference in the affairs of the Cape Colony.¹ Mr. Molteno's relations with Sir Bartle Frere, though the treatment he received would have embittered most characters, were such that the last communication which passed between them is a pleasant one. Sir Bartle Frere telegraphs to Mr. Molteno on the opening of the great railway to Beaufort:—'Let me congratulate you on the successful completion of the great work you inaugurated in commencing the railway which was opened yesterday as far as this rising provincial capital.'

We may add to the reminiscences of his contemporaries the following tribute of one of his principal political opponents. Sir Gordon Sprigg said:—'He never had the pleasure of working with Sir John Molteno officially, but he had the pleasure of being his colleague in a higher sense, when he served under the banner of responsible government which Sir John uplifted. Sir John Molteno was a man of extraordinary energy. He had a great reserve force within him, a greater even than he himself was conscious of, but which was apparent when some circumstance occurred to bring it out. He was not disposed altogether to agree with Mr. Merriman that he was not an orator. He remembered seeing him in 1869, when he was attacked by Attorney-General Griffith, how he twisted in his seat until the other

¹ We may say with Mr. Froude, who, in speaking of another Empire builder, writes: 'He belonged to the race who make empires, as the orators lose them, who do things and do not talk about them, who build and do not cast down.'—Froude's *English in the West Indies*, p. 84.

had done speaking, and then how he defended himself when he got on his feet. He did not think he had listened even in England to a speaker who was so eminently successful as Sir John Molteno when on his defence. Sir John Molteno was a great speaker, and might even be called an orator.'¹

It will have been observed in the course of this narrative that Lord Wolseley, then Sir Garnet Wolseley, had many opportunities of meeting Mr. Molteno officially and personally from 1875 to 1881, and he has kindly put in writing his impressions derived from his acquaintance with him and his knowledge of the circumstances of the time :—

War Office : 16th April, 1899.

DEAR MR. MOLTENO,—I had hoped that I should have had access to my journal and papers of the period when I had the pleasure of meeting your father in Cape Town. But they are still packed away with masses of furniture &c., &c. in a country house, and I do not expect I shall be able to get at them for months to come. In the following remarks I must therefore trust my memory.

Up to the end of 1881 my brain was 'charged' with South African history. Then, however, I had to begin on other subjects, and a close study of them has necessarily somewhat dimmed my recollection of the events of 1875–1881. I feel, therefore, diffident in trusting implicitly to my remembrance of the affairs of that period. But as regards your father's personality, and how his character struck me at the time, that is vividly before me still. He was a strong, honest man of decided opinions, from which he would not swerve. Public men at the Cape were then new to the working of responsible government, and, in common with others who viewed the great South African questions from an Imperial standpoint, I thought that at times he took a somewhat too exclusively local view of the big matters he was called upon to deal with. But at the same time I was well aware of the difficulties of his political position. The political condition of South Africa generally at that period, the many large questions which presented themselves, and the state of parties in the Cape Colony, rendered the part he had to play a very difficult one. My opinion, formed

¹ *Cape Times*, 11th of June, 1892.

then and on the spot was, that he played it manfully and with much force of character.

Your father had to deal with a great 'Pro-Consul' as the Queen's representative in South Africa. Sir Bartle Frere had great and far-reaching views as to the future of our Empire, and upon the importance of our colonies, and he had the courage of his opinions. This was a factor that in many ways increased the difficulties which surrounded your father, the first Prime Minister of the Cape Colony. To men like myself at that time who studied the position on the spot, it was evident that a conflict of opinions between them on some matter or other, sooner or later, would be the inevitable result of the situation. Through all the difficulties he had to contend with during his period of office as Prime Minister of the Cape Colony, Mr. Molteno, it seemed to me, steered an honest course. He showed himself to be a strong man, who having laid down a certain local policy to be his, would not swerve from it to please others. Personally I have very pleasant recollections of him. He was always most kind to me, a genial, well-informed companion, an excellent man of business, and a sincere lover of South Africa, and determined to stand by what he believed to be her most pressing interests.

I wish these hurried remarks were more worthy of the man they are intended to describe, but I send them to you for what they are worth.

Believe me to be,
Very truly yours,
(signed) WOLSELEY.

P. A. Molteno, Esq.

Mr. Molteno after his retirement from office in 1883 resided for some time at his beautiful country house of Claremont. Late in the seventies he had married again. His wife, who survived him, was the daughter of an Indian officer, Major Blenkins, C.B. We may here state that his private life was absolutely pure and simple. He hated all ostentation and all superfluous display. He was particularly severe on any estimates of persons passed by those around him based on their wealth or poverty, holding as he did that the supreme criterion of men was the presence of more or less virtue in their conduct.

In person he was of commanding presence, there was a

vigorous personality about him which immediately marked him out in company as a prominent character. The vigour and force which emanated from him and impressed his hearers was evidenced in the sobriquet of the 'Lion of Beaufort' which was applied to him from the time of his fearless vindication of self-government against Sir Philip Wodehouse's attacks upon it. In the course of debate the energetic expression of his views would almost overwhelm his hearers. He was himself almost unconscious of this, so spontaneous an expression of feeling was it. On one of these occasions a quiet-going Dutch member came up to him afterwards and remonstrated with him in a deprecating way, 'You must not speak so loud, you make me feel quite frightened.' Sir Henry de Villiers, sometime his colleague, writes :—

It is much to be regretted that your late father left no good portrait painted by a first-rate artist. I have never seen a nobler forehead or countenance than his : in private intercourse he was the most lovable of men. In debate he was seen at his best when attacking his opponents, but he could also defend himself and his policy with vigour and skill. His style of address was homely but forcible, and there was an energy and animation in his speech which often rose to true eloquence. Although an Englishman by birth, he was a South African patriot in the truest sense of the term. He enjoyed the entire confidence of the majority of the Dutch population without losing the respect of the English portion. The natives, also, who were much impressed by his handsome physical appearance, had faith in his sense of right and justice. It is fortunate for South Africa that such a man was called to the head of affairs with the introduction of the new system of government. He belied the assertions which had been confidently made that the Colony was not ripe for self-government, and did not possess men fit to be entrusted with the duties of leadership, and he set an example of integrity and devotion to duty which cannot fail to inspire future generations of colonists. It is well that a permanent record of his career should be preserved.

Mr. Molteno's life was in the highest sense deeply religious, but the prevailing forms of religion repelled him.

His religion was above the narrow formularies of any sect. He often quoted Pope's lines :—

For modes of faith let graceless zealots fight,
His can't be wrong whose life is in the right.

While another favourite principle was 'To his own Maker each man standeth or falleth.' Of his more intimate personal character one who knew him well writes :—

'There was a deep inner life which was the spring of all his actions, and which was very jealously guarded from his fellow-men. He was essentially a true man and was so intensely earnest in his desire to grasp the truth that he was impatient of anything superfluous in its expression. Anything like make-belief or acting a part was quite impossible to him. Accustomed to carry his way almost unconsciously by the natural force of his will, he was often impatient of unexpected contradiction, and gave an impression of severity and overbearing temper of which he was at the moment quite unconscious, and for which I have known him express great regret. This was partly due to his very highly sensitive organisation, rendering him at times almost unapproachable and yet at others ready to bear with the utmost freedom of expression on the part of those about him. In all his deepest feelings he was reserved even to a fault. There was a whole world of religion and poetry and tenderness beneath his stern and at times almost forbidding exterior, of which even those who were part of his own life caught only rare glimpses, but they were the secret source of a simply true, generous, and unselfish life with the noblest aims.

'While he never gave to any man that insight into his inner life which would give him the right to the name of friend, yet no one in any class of life who had ever been connected with him in any way ever failed to speak of him with a deeper feeling than respect. He had a great power of attaching himself and bringing himself into a sort of sympathy with his surroundings. The sea, the mountains,

the trees around him all seemed something almost human to him, and for all animals he had the tenderest reverence, which they seemed to understand. . . . Although a man of his strong temper and force of will would be likely to make many enemies, his real generosity and disinterestedness made it impossible for anyone to cherish any really bitter feeling against him. He carried out fully the principle of "Forgive and forget."

'I never remember either in the case of his children or of anyone else his ever bringing up a past offence against them. He often dealt with faults or mistakes very severely at the time; he never recurred to them again afterwards. His character never showed out more grandly than at the time of his great defeat in Parliament, which really closed his political career. He had been so conscious of the absolute right of his cause that he never had a doubt but that his friends would see it too and would rally round him when the battle came. The way in which he bore the trial was characteristic of all his political life. There was no petty personal feeling in it, his anxiety was all for the failure of a good cause, and the strong convictions of the evil consequences which must follow and which now by the country's own act he was powerless to influence. He was a true patriot; he placed his duty to his country, not in name alone, but in actual fact, highest among his earthly duties, and he scorned to take advantage of the trust reposed in him to benefit either himself or any belonging to him in even the smallest degree.'

After retiring from public life Sir John Molteno paid a long visit to Europe, residing in London. The terrible struggle for existence which presented itself to him as the prevailing characteristic of all London life outside the higher circles was very painful to him. He retained his interest in all the great questions of the day, which he followed very closely. He could not long remain away

from the country which he loved, and where the condition of the people was on the whole less straitened and less painful to such an observer. In 1886 he returned to South Africa. His health had suffered from the strain of the introduction and administration of responsible government and the final pressure of the Galeka war and its terrible trials, as well as from the infinite pain of seeing all his warnings of disaster realised in the Zulu, Transkei, Basuto and Boer wars, and the ruin of South Africa for many years; but it seemed now to have become to a great extent restored. Nevertheless his time had come; on the 1st of September, 1886, he died as was his wish to die—no lingering disease, which would have tried his free spirit infinitely, but in the plenitude of his mental powers he was taken away by one sharp sudden severance of the strand of life.

He lived long enough to be above the bitterness of party feeling. His death was the occasion of a unanimous and sincere expression of sorrow from the whole of the country and from all political parties, who felt that they had lost a great and a good man, indeed, 'the most representative man that the country had yet produced, whose name will ever be associated with the history of the Colony, and whose public career may always serve as a model for men, possibly possessed of more superficial brilliance, but who will never outshine him in the sterling qualities of political honesty, sound judgment, and common sense.'¹

¹ *Cape Argus*, 3rd of September, 1886.



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