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SIR GODFREY LAGDEN: COLONIAL ADMINISTRATOR

THESIS

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Abstract

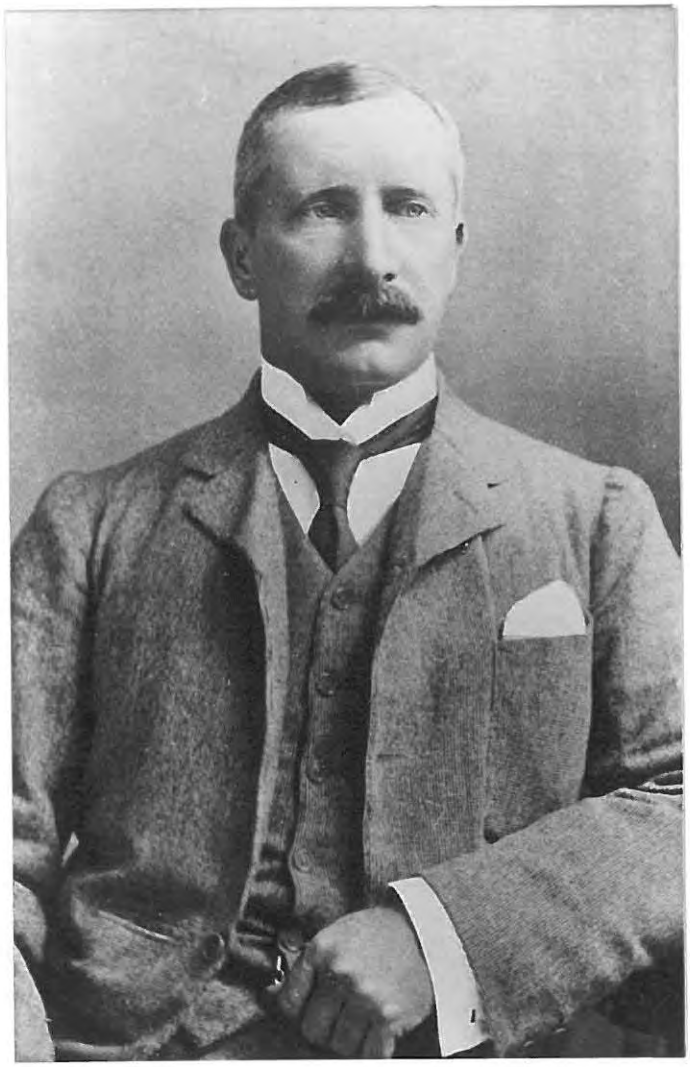
The thesis attempts to provide a chronological analysis of Lagden's colonial career between 1877 and 1907. The youngest son of a parish priest, Lagden received limited formal education and no military training. By a fortuitous set of circumstances, he was able, as a man on the spot, to attain high ranking posts in colonial administration. As a young man, he acquired considerable experience in the Transvaal, Egypt and the Gold Coast. However, blatant disobedience led to his dismissal from Colonial service.

Fortunately for Lagden, Marshal Clarke, newly appointed Resident Commissioner of Basutoland, insisted on Lagden being appointed to his staff. Except for a brief stint in Swaziland, Lagden remained in Basutoland until 1900. With Clarke, Lagden played a prominent role in the implementation of the Imperial policy of securing the support of the Koena chiefs by allowing them to retain and consolidate their power and influence.

Lagden became Resident Commissioner in Basutoland when Clarke was transferred to Zululand. He continued established policies and championed the Basotho cause by opposing the opening of Basutoland to prospectors and by stressing the industrious habits of the Basotho. His tactful and energetic handling of the rinderpest crisis reduced dramatic repercussions amongst the Basotho and enabled cooperative

Koena chiefs to increase their economic and political leverage. Despite his reservations over Basotho loyalty, Lagden emerged from the South African War with an enhanced reputation as the Basotho remained loyal and energetically participated in the Imperial war effort.

Largely because of his Basutoland experience, Lagden was appointed the Transvaal Commissioner of Native Affairs in 1901. He was responsible for regulating African labour supplies for the mines and delineation of African locations. His failure to procure sufficient labour and his defence of African rights earned Lagden much abusive settler condemnation. As chairman of the South African Native Affairs Commission, Lagden produced an uninspiring report conditioned by the labour shortage and his personal distaste for decisive action. Nevertheless, its advocacy of political and territorial segregation influenced successive Union governments.



Sir Godfrey Yeatman Lagden (1851-1934)

TABLE OF CONTENTS

	Page
Abstract	ii
Frontispiece	iv
List of figures	x
List of Maps	viii
Abbreviations	ix
Acknowledgements	xii
Introduction	
Literature	1
Thesis Synopsis	11
Chapter 1. The Early Years, 1877 - 1884.	15
Transvaal.	16
Egypt.	38
Gold Coast.	39
Chapter 2. Basutoland, 1884 - 1892.	48
Political Developments, 1867-1884.	48
Basutoland, 1884-1892. General Administration and development.	61
Lagden's Role in Basutoland, 1887-1892.	84
Chapter 3. Swaziland, 1892 - 1893.	112
Swaziland in the 1880's.	112
Lagden in Swaziland.	121
Chapter 4. Basutoland, 1893 - 1897.	146
Lagden Acts as Resident Commissioner.	146
Prospecting.	166
Rinderpest.	180

Page

Chapter 5. Basutoland, 1897 - 1900. 201
Masopha's Final Resistance. 201
Milner Visits Basutoland. 217
The South African War. 233
Future Prospects. 259

Chapter 6. Transvaal, 1901 - September 1903. 264
Home Leave in England. 264
The Transvaal's Labour Problems. 268
Back in the Transvaal. 272
Formulating a "Native Policy". 280
The Pass Law. 284
Labour Agents and Compound Overseers. 286
Coloured Exemptions. 288
The Liquor Law. 291
The Modus Vivendi of 1901. 294
In Natal. 299
Establishing the Native Affairs Department. 301
Marital Woes. 309
African Taxation. 311
Asian Affairs. 317
Africans and the Native Affairs Department. 326
The Chinese Labour Campaign. 333
Lipitso. 342

Chapter 7. South Africa Native Affairs Commission: March 1903-September 1904 344
Bloemfontein Conference, March 1903. 344
Choosing the Commissioners. 346
Press Reaction. 353
The Cape Town Session. 354
In the Eastern Cape. 360
Natal. 365
Southern Rhodesia, Mafeking, Bloemfontein and Maseru. 369

The Transvaal. The Last Lap. 373
Transvaal Distractions. 376

Chapter 8. The SANAC Report. November 1904 - March 1905. 392
Terms of Reference. 394
The Land Question. 395
Squatting. 404
Tribalism. 413
Urban Centres. 414
Pass Laws. 419
Christianity. 421
The African Voice. 423
Appropriate Education. 427
Liquor. 430
Labour. 430
Taxation. 435
Representation. 438
Press reaction. 442
The Historians' Verdict. 445
Sources of SANAC. 448
Conclusion. 456

Chapter 9. The Final Days. March 1905 - March 1907. 458
SANAC and the Transvaal. 458
Reverend Edward Tsewu. 461
Native Locations Commission. 469
African Taxation and Rent. 479
Elgin and the Liberals. 484
Swaziland. 494
The "Native Scare" of 1906. 499
Lipitso and Recruits. 504
Cricket, Pensions and Politics. 508

Page

Conclusion 514

Lagden's Later Years: 1907-1934. 514

Lagden and Basutoland. 518

Lagden and the Transvaal. 527

Appendix A: The geography of Basutoland (Lesotho). 533

Sources. 539

List of figures

1. Employment on the goldmines 334

2. Production figures of goldmines 334

3. Mortality rates on goldmines 338

List of Maps

1. Sketch Map: Basutoland, showing the major stations of the Native Commissioners. 49

2. Sketch Map: Transvaal, showing the districts and main stations of the Native Affairs Department. 304

Abbreviations

a. Those used in the text:

AMEC	African Methodist Episcopal Church
APO	African Peoples' Organisation
APS	Aborigines' Protection Society
BSAC	British South Africa Company
BMP	Basutoland Mounted Police
Imvo	Imvo Zabantsundu
LBW	Leg before wicket
NAD	Native Affairs Department
OFS	Orange Free State
RNLA	Rand Native Labour Association
SANAC	South African Native Affairs Commission
SAR	South African Republic
SNA	Secretary of Native Affairs
TLC	Transvaal Labour Commission
WRC	West-Ridgeway Commission

b. Those used in the footnotes:

BAR	Basutoland Annual Report
CO	Colonial Office archive
D Phil	Doctor of Philosophy
EC	Executive Council archive
FK	Photocopy
GH	Government House archive
GOV	Governor of the Transvaal and Orange River Colony archive
HC	High Commissioner archive
ISER	Institute of Social and Economic Research, Rhodes University
LTG	Lieutenant Governor archive
M	Microfilm
MA	Master of Arts

Ph D	Doctor of Philosophy
PM	Prime Minister archive
SANAC	Report of the South African Native Affairs Commission
SNA	Secretary of Native Affairs archive
TAR: NAD	Transvaal Administration Report: Native Affairs Department
UCLA	University of California Los Angeles
Unisa	University of South Africa
Wits	University of the Witwatersrand

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INTRODUCTION

This thesis is concerned with the colonial career of Godfrey Yeatman Lagden between 1877 and 1907 - from his first trip to the Cape to his retirement when the Transvaal assumed responsible government. Apart from analysing his career, the thesis endeavours to explore wider themes. Indeed, much of the recent revisionary work on South African history may be linked to Lagden's career. One can argue that his career provides an illustrative case study for such general themes as colonial administration particularly in the areas of labour migrancy and race relations.

Literature.

Hobsbawm[1] has argued that the great depression experienced by Britain between 1873 and 1896 brought about several major changes in her position and role within the international economy. The dramatic rise in German, American and French industrial production and exports caused Britain to opt for the economic and political conquest of hitherto unexploited areas of the world, in an attempt to maintain her supremacy. However, Britain's imperial monopoly of the underdeveloped world had disappeared. Her economic rivals had become her imperial rivals. This led to the fusion of political and economic rivalry and caused private institutions increasingly to seek government backing against colonial competition. The thrust of Hobsbawm's argument is that economic interests were exerting an increasing influence on political actions.

More specifically, in an article which has become the foundation for many recent contributions to South African history, Atmore and Marks[2]

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1 EJ Hobsbawm, Industry and Empire, pp. 109-33.

2 A Atmore and S Marks, 'The imperial factor in South Africa in the nineteenth century: towards a reassessment', Journal of Imperial and Commonwealth History, 3, 1, 1974, pp. 105-39.

have depicted British imperial policy in South Africa as being determined by her economic needs. Especially after 1868 and the discovery of diamonds, British intervention in South Africa was intimately connected with the growth of the capitalist economy in South Africa. Further, they have stressed that though British decisions were inevitably given a `humanitarian garb', their actions were taken to protect British interests in South Africa and were "essentially, although not invariably" related to the demands of the British economy.[3] Hence, they attribute the conflict between Britain and the Afrikaner Republics, which culminated in the South African War and the reconstruction of the Transvaal, basically to "the failure of Afrikaner society to fulfil the role of collaborating groups to the satisfaction of the gold mining industry". Generally, they argue that white colonial collaboration was won by the subjugation of independent African societies.

The initial major move against Afrikaners came with Carnarvon's confederation plans. This is regarded as being determined by the need for a uniform `native policy' which would preserve order but stimulate the supply of migrant labour for the diamond mines. This, argue Atmore and Marks, was to become the dominant theme of southern Africa's history during the imposition of a market economy. More specifically, it was essential to have a cheap, highly controlled labour supply.

This argument has been developed by Norman Etherington with regard to the annexation of the Transvaal.[4] He has argued that the annexation was undertaken to meet the imperatives of the developing southern African economy as perceived by Theophilus Shepstone. His thinking, reasoned Etherington, was profoundly influenced by the mineral discoveries, efforts to establish regular labour migration routes and

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[3] Ibid., p. 108.

[4] NA Etherington, `Labour supply and the genesis of the South African Confederation in the 1870s', Journal of African History, 20, 2, 1979, pp. 235-53.

David Livingstone's campaigns against the slave trade in Central and East Africa, all of which were concerned with the supply of African labour.

Hence Shepstone was sent by Carnarvon to the Transvaal as governor so that he might implement his theory of cheap government through black chiefs, black taxes and black police. The objectives for which he worked - the annexation of African nations, the organisation of orderly labour migration, the exploitation of new mineral discoveries and the governance of African locations through indirect rule - were to become the dominant feature of "native policy" in the twentieth century.[5]

British political aspirations in the Transvaal may have failed in 1881 but the 1882 campaign against the Ndzundza Ndebele reflected the economic modernization and efficiency of the South African Republic.[6] Although Lagden's role in the Transvaal between 1878 and 1881 was that of a low subordinate, his diaries clearly suggest that the British administration had started to tackle the problem of revenue and labour migrancy as well as the subjection of the Pedi polity.

In contrast to the earlier period of Basotho history, the post 1884 period has almost been ignored by scholars with the exception of three research theses, none of which have been published. In 1967 Rita Cassidy completed her doctoral thesis on Basutoland between 1884 and 1899.[7] However, it appears to have attracted scant attention. A possible reason for this could be the blatantly obvious assumption, adopted by Cassidy, that the imposition of colonial rule on the Basotho

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5 Ibid., p. 253.

6 P Bonner, Kings, commoners and concessionaires. The evolution and dissolution of the nineteenth-century Swazi state, p. 221.

7 RM Cassidy, 'Britain and Basutoland: a study of men and policies from the Gun War to the Anglo-Boer War', unpublished Ph D thesis, UCLA, 1967.

was a great blessing and was due to the great endeavours of the first two resident commissioners, Marshal Clarke and Godfrey Lagden. Indeed, Clarke and Lagden are described in the most glowing and laudatory terms whilst the Basotho are depicted as the "not ungrateful" recipients of benevolent and beneficial colonial rule. The long term impact of regional economic demands are neglected. Indeed, Cassidy's approach is largely uncritical and suffers from a complete disregard of the long term consequences of colonial rule so aptly described by Colin Murray's phrase, `from granary to labour reserve'.[8]

Lagden's own book, The Basutos: the mountaineers and their country, published in 1909, is not the valuable contribution that might be expected from an official so intimately concerned with so much of the history recorded. Indeed, aside from the flattering and uncritical approach, much of the book consists of paraphrasing and summarising of Blue Books. Rarely does Lagden provide material and comments not available in the Annual Reports. Indeed, a "debunking" of The Basutos would provide considerable scope for an interesting and valid research topic.

By far the greatest contribution to the colonial period of the history of Basutoland comes from the work of Judy Kimble. In a MA dissertation, supervised by the historian Jeff Guy, Kimble analysed the early political economy of Lesotho and traced the increasing importance of commodity production and migrant labour between 1830 and 1885.[9] Her

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[8] C Murray, Families divided. The impact of migrant labour in Lesotho, chapter 1. Murray provides a general account of the history of the Basotho people of Lesotho in this chapter. A similar account is provided in WF Lye and C Murray, Transformations on the Highveld: the Tswana and Southern Sotho. This work adopts a thematic approach and incorporates much recent research in a form to to suit a general rather than an academic readership.

[9] J Kimble, `Towards an understanding of the political economy of Lesotho: the origins of commodity production and migrant labour, 1830-c1885', unpublished MA dissertation, National University of Lesotho, 1978.

conclusion that the increase in commodity production was due to increasing opportunities in the southern African economy being utilized by the leading Koena chiefs, has gained wide acceptance. Further, her conclusion that migrant labour was discretionary and an integral part of Basotho economic production, serves to emphasise the strength and vitality of the Basotho for much of the nineteenth century. Indeed, the scholarship displayed in the dissertation well merited the inclusion of one of the chapters as a contribution to Marks and Rathbone's volume on Industrialisation and social change in South Africa.[10]

Kimble continued her research for a Ph D under the supervision of the noted sociologist, Harold Wolpe.[11] However, despite the undoubted strengths of the thesis and the invaluable contribution it makes towards an understanding of the history of Basutoland and contemporary Lesotho, one has several reservations about the thesis. It should be noted that the degree was awarded in the Department of Sociology and not History and that towards the completion of her research, Kimble was, tragically, a victim of cancer. Hence, after the submission of the thesis, there was no opportunity for revisions and preparation for publication. Considering the scholarship of the Ph D and her MA, I humbly submit that had the work been prepared for publication, I am sure that some alterations to the text would have been made.

The thesis analysed the role of migrant labour and colonial rule in Basutoland between 1890 and 1930. Kimble's approach was highly

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10 J Kimble, 'Labour migration in Basutoland 1870-1885', in S Marks and R Rathbone (eds), Industrialisation and social change in South Africa. African class formation, culture and consciousness 1870-1930, pp. 119-41.

11 J Kimble, 'Migrant labour and colonial rule in Southern Africa: the case of colonial Basutoland, 1890-1930', unpublished Ph D thesis, University of Essex, 1985.

materialist and rigidly theoretical.[12] It appears that theory is often stressed to the exclusion of empirical evidence. Hence, few historians would disregard the tremendous impact of such events as the rinderpest epizootic (1896-97) and the South African War as does Kimble.[13] Further, few historians would adopt such a determinist approach to the events of 1884-1888 and accept Kimble's view that the Imperial authorities were bent on undermining Basotho society in 1884[14] when survival was the only priority of both the Colonial Office and the local agents.

A major feature of Kimble's work is the emphasis placed on the Koena chiefs within Basotho social and economic structures. They are portrayed as the lynch pins within society because of their ability to control and allocate labour.[15] Hence, the imposition of British rule strengthened their control and enabled them to maximise economic opportunities within the regional economy.

Another major argument developed by Kimble is that for much of the period covered by her research, until 1900-1910, the ultimate arbiter was the agricultural cycle, which was the determinant of the frequency and duration of periods spent away from home on migrant labour or at home working on the land.[16] (Indeed, the same argument applies to the Transvaal.) Therefore the Basotho were for a long period able to

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12 Ibid., pp. 3-30, 'The cheap labour hypothesis and its critique'.

13 Ibid., p. 118, "The 1890's also witnessed a succession of years of bad crops and locusts followed by the rinderpest disaster in 1896-97. Three years of disruptive and agriculturally devastating war were soon to follow".

14 Ibid., pp. 203-06.

15 Ibid., pp. 25-28, 63-75 and 87-90.

16 On this point Kimble, p. 38, acknowledges her debt to Charles Perrings, Black mineworkers in Central Africa: industrial strategies and the evolution of an African proletariat in the Copperbelt, 1911-1941, p. 148.

resist the labour demands of the regional economy, albeit not on their own terms. This meant that gold mining was an unpopular and neglected choice of Basotho migrants up to 1900. On the other hand, railway construction, with relatively better wages and working conditions, was a popular choice. Even then, with the increasing land congestion within Basutoland, labour tenancy in the 'Conquered Territory' of the Orange Free State, with opportunities to grow crops and raise livestock, provided a popular and convenient alternative for increasing numbers of Basotho.

An early concern of the Imperial administration in Basutoland was to effect a close relationship with the Koena chiefs. That this was achieved was partially due to the tact and diplomacy of officials but more so to the protective shield that Imperial rule brought to Basutoland, the close alliance that developed between the chiefs and the administrators, and the highly advantageous economic opportunities for chiefs. Nonetheless, individual poverty emerged as an increasingly serious problem from the 1880's. It was only after 1900, however, that the "forces of capitalism" were able to undermine the Basotho and increase the incidence of rural poverty. Indeed, rural poverty began to result from labour migration and a vicious circle was thus created which continues to exist to the present.[17]

Clearly, Judy Kimble has made a notable contribution to the history writing of Basutoland and her untimely death has deprived the Basotho and scholars of much needed research.

A profound development in the colonial period not emphasised by Kimble was the great greed and avarice displayed by the chiefs. If the recollection of Jingoes is accepted[18], one could argue that there was

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17 Kimble, 'Colonial Basutoland, 1890-1930', pp. 416-26. The cycle of poverty is discussed by WRL Gebhard, 'Black perceptions of South African history', unpublished MA dissertation, University of Pretoria, 1988, pp. 181-2.

18 J Perry and S Perry (eds), A chief is a chief by the people: the autobiography of Stimela Jason Jingoes, pp. 171-98.

more oppression and exploitation by the chiefs of their commoner supporters, than by any capitalist force. Indeed, this was a price the colonial administrators were prepared to let the commoners pay to their chiefs, providing that the greed and avarice were controlled and not too pronounced.

Regrettably, Philip Bonner's research on Swaziland did not proceed beyond 1889.[19] Nevertheless, his work has great value for this study. His conclusion that Imperial interests in Swaziland were strongly influenced by the demands of capital has great validity for the 1890's. As will become evident, Lagden was largely unaware of the direct link between capitalist interests and Imperial authorities. Whilst Matsebula's general text on Swaziland[20] has nothing to say on Lagden in the 1890's, the work has obvious strengths in that events are described in terms of Swazi perceptions. He makes it obvious that Swazi traditions and customs were blatantly ignored by Imperial and Republican figures.

There is much of value in Robin Droogleever's dissertation on Offy Shepstone.[21] He clearly reveals the underhand methods and personal greed and arrogance of the "Adviser to the Swazi Nation". Further, he pointedly shows that Shepstone's misdeeds were quickly realised by Lagden and that he was able to cause the High Commissioner to adopt a more wary approach to views expressed by Shepstone. Greater issues were at stake in Swaziland, however, than the duplicity of Shepstone. British interest in the Transvaal has convincingly been show by Atmore and Marks to have been strongly influenced by the discovery of the Witwatersrand goldfields.[22] For example, Britain's need for increased

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19 Bonner, Kings, commoners and concessionaires stops with final chapter on `The conquest by concessions 1886-1889'.

20 JSM Matsebula, A history of Swaziland.

21 RWF Droogleever, `The role of Offy Shepstone in Swaziland, 1886-1895', unpublished MA dissertation, University of Natal, 1976.

22 Atmore and Marks, `The imperial factor', p.127.

gold reserves[23] in the 1890's necessitated that a close watch be kept on the Transvaal. Therefore, the manifest inability of the Transvaal state to "deliver the goods" on the terms demanded by many mining magnates, was a major reason for the outbreak of war in 1899. She was vitally concerned to provide the necessary infrastructure for the maintenance and development of her crucial economic interests.

Their conclusions merit attention.[24] During the nineteenth century, Britain attempted to fashion her South African colonies according to her own requirements. In this she was largely successful and the outcome of 1910 was satisfactory rather than injurious to her requirements. Further, though there was much talk of freedom and justice for the black man, Britain was more concerned with her economic interests.

These arguments have been developed further by Marks in conjunction with Stanley Trapido.[25] They have reasoned that "Imperial goals are determined by the interests of imperial ends". In Southern Africa there was no intention to change the property relations that already existed. Imperial policy intended to:

> transform the nature of the class structure ... by hastening the development of a capitalist state, which would be more fully capable of fulfilling the demands of the mining industry.

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23 Ibid., p. 131; and, van Helten, `Empire and high finance: South Africa and the international gold standard 1890-1914', Journal of African History, 23, 3, 1982, has argued that Marks and Trapido have exaggerated the dependence of the Bank of England on Transvaal gold, pp. 543-6.

24 Atmore and Marks, `The imperial factor', p.131.

25 S Marks and S Trapido, `Lord Milner and the South African state', in P Bonner (ed), Working papers in Southern African studies, pp. 52-96.

Following the lead of Hobsbawm[26], Marks and Trapido have stressed the crucial importance of the gold standard[27] to the British imperial and economic position. Gold was not only essential for international trade but was also the ultimate military defence - hence the value of the Transvaal to Britain.

Prominent amongst the demands of the mine owners was the call for the transformation of the machinery of state, particularly the Native Affairs Department. Further, there needed to be mechanisms to effectively control and direct African labour. The Milner Administration went to great lengths to achieve this and, when major problems were encountered with the shortfall in African labour, Chinese workers were imported. Indeed, they argue that the report of the South African Native Affairs Commission (SANAC) was dominated by the labour issue.[28] Its recommendations for land and squatters were designed to restrict African access to land and increase their proletarianisation.

The importance of Lagden has been stressed by Alan Jeeves.[29] Justifiably, he has emphasised Lagden's collaborative role in assisting the Chamber of Mines in its attempts to recruit increasing numbers of African labourers. Similarly, Martin Legassick[30] and John Cell[31] have recognised the crucial role of SANAC in formulating segregation as a coherent and uniform policy suited for an industrialising South

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26 EJ Hobsbawm, Industry and Empire, p. 131.

27 Marks and Trapido, `Lord Milner', pp. 59-61.

28 Ibid., p. 77 and p. 79.

29 A Jeeves, `The control of migratory labour in the South African gold mines in the era of Kruger and Milner', Journal of Southern African Studies, 2, 1, 1975, pp. 3-28.

30 M Legassick, `The making of South African "Native Policy", 1903-1923: the origins of "segregation"', University of London, Institute of Commonwealth Studies, Collected Seminar Papers 16, The societies of Southern Africa in the 19th and 20th centuries, 3, 1971-1972.

31 JW Cell, The highest state of white supremacy: the origins of segregation in South Africa and the American South.

Africa.

It is hoped that this study will contribute to the ongoing debate about South Africa's past and to an understanding of the contemporary situation, in view of the prominent role played in the events of these years by Sir Godfrey Lagden.

Thesis Synopsis.

As far as possible, this thesis endeavours to provide a chronological approach to Lagden's career. Where necessary, analysis and discussion are incorporated into the text at appropriate points.

Chapter 1 concerns Lagden's early years in Africa and suggests that much of his early progress occurred by mere chance, thanks to the timely intervention of favourably disposed superiors. Indeed, by 1884, there was little to suggest his later importance.

Chapter 2 analyses Lagden's early years in Basutoland. Here there are two basic problems: apart from Sandra Burman's Chiefdom politics and alien law: Basutoland under Cape rule, 1871-1884, and Judy Kimble's 'Labour migrations in Basutoland, 1870-1885', there are few published works on the history of colonial Basutoland. Therefore, a substantial sub-chapter attempts to provide meaningful background. It attempts to explain why Britain resumed control over Basutoland in 1884. A second problem concerns the relative importance of Lagden within the incipient British administration. To facilitate this, a sub-chapter provides a general outline of British rule in Basutoland between 1884 and 1892 whilst a third sub-chapter outline's Lagden's activities. The thesis attempts to illustrate that Lagden's participation in the Administration was more significant than might normally have been the case but that Lagden's activities need to be viewed as an integral part of the policy of Marshal Clarke, the first Resident Commissioner. Chapter 3 seeks to depict Lagden as an ambitious and enthusiastic administrator in Swaziland dealing with issues which were essentially outside his control. The chapter attempts to portray the complexities and complications of the territory in the 1890's and to explain

Lagden's overriding concern with local developments in terms of his zealous efforts to protect Imperial interests from the duplicity of Offy Shepstone. Further, the chapter suggests that the Imperial Government was undecided on future steps and was groping for a practical policy.

Chapter 4 covers the period 1893 through 1897 when Lagden, once again in Basutoland, deputised as Resident Commissioner. His major concern was to maintain a continuity of policy and, where practicable, to extend the cooperation between the Koena chiefs and the Administration during the rinderpest epizootic. The thesis argues that rinderpest presented an unprecedented challenge to the welfare of the Basotho nation. It suggests that Lagden's response to the challenge was conditioned by the limited means at his disposal and by his realistic assessment that only voluntary cooperation on the part of the Basotho could effectively restrict the devastation of the crisis.

Chapter 5 attempts to present Lagden, now the permanent Resident Commissioner, as an energetic, tactful and conscientious administrator. It is suggested that Masopha's last ditch defiance of Imperial rule brought about the most determined effort to challenge the 1884 settlement. However, the thesis also suggests that the intervention of Milner, the determined and dogmatic High Commissioner, threatened Basutoland's status quo as much as Masopha's defiance. Indeed, Lagden is presented as a highly successful agent in maintaining Imperial prestige and tempering colonial demands during the times of crisis. It is contended that this continued despite the outbreak of the South African War. However, despite his personal efforts and bravery, the thesis contends that Lagden's temperamental problems resurfaced and caused him to make dubious assumptions about the disloyalty and uncooperativeness of the Basotho despite much evidence to the contrary. Finally, doubts are raised over his ability to hold such a demanding position at a later date.

Chapter 6 sees Lagden in the Transvaal as the Commissioner of Native Affairs and attempts to assess the tremendous demands and pressures that Milner's reconstruction plans had on the Transvaal Administration.

It is argued that when the anticipated economic recovery failed to materialise, the overriding demand for unskilled labour placed increasing strain on Lagden. Further, despite the assistance of Sir Richard Solomon and "cooperation" from the Chamber of Mines, Lagden was quite unwilling to introduce further measures to stimulate labour supplies.

Chapter 7 attempts to demonstrate the difficulties experienced by Lagden and the SANAC in its gathering of evidence. It suggests that apart from the understandably divergent viewpoints, insufficient prior thought was given to the commission's task. This resulted in disruption and frustration to the entire commission.

Chapter 8 focuses on the compilation of the SANAC report and its recommendations. Strong suggestions are made that the thinking of SANAC was heavily influenced by the labour needs of the Transvaal and the preponderance of native commissioners. Land and squatting are suggested as the central issues. The thesis then queries the appointment of Lagden as chairman because of his lack of formal legal training and his restricted vision of future development. This, it is maintained, explains the great reliance on the works of other figures and the neglect of much of the collated evidence.

Chapter 9 portrays Lagden as a weary and frustrated figure, impatiently awaiting retirement, being forced to tackle several major crises. The challenge of the Reverend Edward Tsewu, the perplexities of delimiting the boundaries of African locations and the uncertainty of the Transvaal's political future after the Liberal victory in Britain, all brought Lagden new and unwanted challenges and problems. It is proffered that Lagden had lost real interest in his post, had become profoundly disillusioned and was concerned with his pension.

The Conclusion attempts to provide a brief resumé of Lagden's activities after 1907 and then offers an evaluation of his career in Basutoland, the Transvaal and as Chairman of SANAC.

The appendix stresses the great influence of geographical factors on agriculture in Basutoland and explains why the ecology has been largely destroyed.

Whilst registered at the University of South Africa (1982-5), I prepared a MA dissertation on the South African Native Affairs Commission.[32] Several themes, notably labour, land, taxation[33] and African society, were employed to illustrate the purpose of the SANAC report. Most of the supportive evidence was derived from Transvaal sources. By and large, the approach in this thesis is very different and there has been very little repetition of material. Nevertheless, I hope that the training and insights, which I received whilst at Unisa, have been maintained.

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32 DR Burton, `The South Africa Native Affairs Commission, 1903-5: an analysis and evaluation', unpublished MA dissertation, University of South Africa, 1985.

33 DR Burton, `The taxation of Africans: Transvaal 1902-7', Kleio, XIX, 1987, pp. 47-60.

CHAPTER 1

THE EARLY YEARS, 1877 - 1884..

Godfrey Yeatman Lagden was born on 1 September 1851, the youngest child of the Reverend Richard Lagden, an Anglican priest in Dorset.[1] Of his early life there appears to be very little information available. It is known that he briefly attended the famous public school, Sherborne, for four terms in 1860-1861, as a Foundationer, i.e. a non-fee paying day pupil.[2] He then continued his education at the Propietory School, Salisbury, under the instruction of a Mr P Lloyd. In December 1866 he was awarded a second class College of Preceptors certificate after satisfying the examiners in Scripture, History, English History, Geography, English Language, French, Arithmetic and Physical Science. Indeed, he gained a special certificate for his First Class pass in Arithmetic.[3] In 1869 he entered the Home Civil Service, and in an open examination, was placed second out of 22 candidates. This earned him a post as clerk in the General Post Office where he performed administrative and financial duties. As a result of part-time evening study[4], Lagden obtained a second class pass in French at Kings College, London. However, it was as a sportsman that he won considerable fame by playing county cricket for Surrey and becoming a final trialist for the England rugby side to play Scotland in 1876. He was also a noted shottist. Nevertheless, as Donald Denoon has noted, "Without influential family connections or academic talent, [Lagden]

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1 Times, London, 27 June 1934, Obituary.

2 I am indebted to John Warmington, current librarian at Sherborne School for information on Lagden's brief career at Sherborne, Personal Communication, 11 April 1988 and 16 May 1988.

3 Lagden Papers, Mss Afr S, 214/6/1, Certificate awarded by the College of Preceptors.

4 Dictionary of South African Biography, I, `Sir Godfrey Lagden', D Denoon, pp. 457-8.

seemed destined for a humble career".[5]

Transvaal.

Why Lagden gave up his £200 per annum career in the Post Office is not clear from material in the Lagden Papers. Nevertheless, with letters of introduction from Sherborne School and his maternal grandfather, Mr Yeatman, a prominent resident of Sherborne, he set sail for Cape Town on 28 June 1877. Lagden was advised by the High Commissioner, Sir Bartle Frere[6] to continue to Durban and then to head for Pretoria to meet Sir Theophilus Shepstone who had recently annexed the Transvaal for Britain.[7] En route, he stopped in Port Elizabeth and was the guest of Alfred Blackburn, a local businessman and member of the Chamber of Commerce. Before departing for Durban, Lagden received a rifle as a gift from Blackburn.[8]

After four days in Durban, "a ramshackle but pleasant town", Lagden headed for Pietermaritzburg, a city of 4 000 whites which did not have "that look of scattered failure which [was] so common to colonial embryo cities".[9] Here he purchased a horse and provisions, played several games of football, and then commenced an eventful trip to

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5 Ibid., p. 458.

6 For a full resumé of Frere's career, Dictionary of South African Biography, II, 'Sir Henry Bartle Edward Frere', TRH Davenport, pp. 243-6. As far as I have been able to ascertain there was no direct link between Lagden and Frere.

7 For a revisionary interpretation of the annexation of the Transvaal, see Etherington, 'Labour supply and the genesis of the South African Confederation in the 1870s'. Also see, CF Goodfellow, Great Britain and the South African Confederation, 1870-1881, pp. 111-36. A recent survey is B Porter, The Lion's Share. A short history of British imperialism 1850-1983, pp. 94-101.

8 Lagden Diary, 1877, 27-8 July.

9 A Trollope, South Africa, (Davidson edition), p. 6.

Pretoria. Whilst camping near Newcastle, Lagden experienced a major disaster when his campfire caused a serious bushfire, which not only destroyed all of his own luggage, but also the huts and possessions of a nearby African kraal.[10] He was threatened, captured and force-marched by the irate Africans into Newcastle where he was handed over to the local magistrate, William Beaumont.[11] Beaumont immediately recognised his 'prisoner' as a fellow Old Sherburnian and, after hearing the details of the incident, was able to placate the captors, by declaring Lagden "guilty but accidentally so". A more serious problem was that Lagden had lost all his belongings save his horse and the clothing he was wearing. However, through Mrs Beaumont's sewing skills, one of her husband's outfits, for a man of 6' 2", was adjusted to fit Lagden who stood at 5' 8".

Lagden continued his trip and despite having to endure "no fire and grub" and "no sleep again" for several days, eventually reached Pretoria on 19 September 1877.[12] Pretoria was a city of 2 000 whites which, after a long period of stagnation, was then bustling with activity as a result of the British annexation and the presence of 600 "red coats", as well as members of the artillery, engineers and general staff. Apart from the masses of roses and weeping willows, "brandy bottles and sardine boxes [met] the eye everywhere".[13]

Through the kindness of yet another Old Sherburnian, one Williams, a member of the Thirteenth Regiment, Lagden was soon able to re-establish

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10 The incident is best covered in Lagden Papers, Mss Afr S, 209/1/4, 'Papers relating to the beginning of my life'. Also, see Lagden Diary, 1877, 30-1 August.

11 Beaumont achieved fame and prominence as Chairman of the 1916 Report of the Natives' Land Commission, Dictionary of South African Biography, III, 'Sir William Henry Beaumont', VG Hiemstra, p. 54.

12 Lagden Diary, 1877, 20 September.

13 Trollope, South Africa, pp. 298-301.

himself. One of his first acts in Pretoria was to umpire a cricket match between the Army and a Town Eleven. Very soon he found temporary employment in Lyons Store and made the acquaintance of several notable personalities, including Trollope[14], HW Struben[15], a prominent farmer, and Henry Bousfield[16], first Bishop of Pretoria. Unfortunately for Lagden, Shepstone was absent from Pretoria until early in 1878 and he was unable to secure a government position.

As a result of his cricketing and shooting abilities Lagden soon achieved a sufficient degree of respectability to be invited to the Christmas Eve Ball at Government House and to gain part-time employment as a teacher of English to Dr Jorissen[17], the former Attorney-General and legal adviser to those Boers, such as Paul Kruger and Piet Joubert, who opposed Britain's annexation of the Transvaal. Other notable figures who befriended Lagden were Julius Jeppe[18] and Chief Justice

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14 It would appear that Lagden and Trollope did not meet whilst on board ship. They did, however, meet on several occasions in Pretoria.

15 Struben was a prominent farmer and businessmen who was later to be associated with the discovery of gold on the Witwatersrand. His memoirs are recorded in Recollections of adventurers, pioneers and development in South Africa, 1850-1911.

16 Dictionary of South African Biography, I, `Henry Brougham Bousfield', PB Hinchcliff, pp. 108-9. Educated at Cambridge University, he arrived in Pretoria in January 1879. He was noted for his "systematic, disciplined devotion to duty" but was later to be disgusted by the British retrocession of the Transvaal in 1881.

17 Lanyon Papers, 5a, Lanyon to Kimberley, 1 February 1881. In 1876 Jorissen had been engaged in Holland by President Burgers to become the Headmaster of the High School contemplated for Pretoria. He was, however, appointed State Secretary and later accepted office under British rule. In September 1878 he was replaced by a qualified legal adviser.

18 Jeppe was a prominent landowner who later became a leading mining magnate.

Kotze.[19]

When Shepstone returned to Pretoria from Zululand in March 1878, Lagden promptly applied for a government position. In April, he was informed by Osborne, the Government Secretary, that he had been appointed as a clerk, within the Colonial Secretary's office, at a salary of £200 per annum.[20] Soon after he commenced his new post, Lagden met Colonel Marshal Clarke[21] and Rider Haggard.[22] The trio became very friendly and frequently went hunting together.

Clarke had been brought to the Transvaal from Natal to act as a native commissioner at Lydenburg in the eastern Transvaal. Shepstone considered it essential to appoint an official to deal directly and solely with Africans. Much of the British Administration's dealings with Sekhukhune and the Pedi were through Clarke.[23] Haggard was employed as Master and Registrar of the High Court.[24] Whilst on a Government mission to Sekhukhune he learned of rumours that the Pedi

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19 For a brief outline of Kotze's career see Trollope, South Africa, p. 329.

20 Lagden Diary, 1878, 7 April.

21 Perhaps the most important influence in Lagden's career, Clarke, an Irishman, had seen military action in India, later served in Natal and the Transvaal, as well as in the Cape, Basutoland and Egypt before becoming the Resident Commissioner of Basutoland in 1884. There is a brief and laudatory resumé of his career in Lagden, The Basutos, pp. 559-60. For his role in the Transvaal, see P Delius, The land belongs to us, Chapter 9, `The imperial factor and the destruction of Pedi independence'. Also Dictionary of South African Biography, III, `Sir Marshall [sic] James Clarke', A Jacot Giullarmod, pp. 154-5.

22 Between 1877 and 1884 Haggard was a close friend of Lagden's. According to Trollope, South Africa, p. 8, he was "imbued with a virulent anti-Boer prejudice". See his autobiography, The days of my life, 1926.

23 Delius, The land belongs to us, Chapter 9.

24 Kotze Papers, 9, Kotze to Haggard, 24 May 1879.

labourers on the Diamond Fields had smuggled over £1 million of diamonds to Sekhukhune to purchase weapons to fight the whites. These rumours are supposed to have formed the basis for his famous novel, King Solomon's Mines.

From the outset in 1877, the British Administration faced three major problems. One, the need to obtain sufficient revenue to administer the colony as well as to meet its creditors; two, the necessity to win Boer approval and support for British rule; and three, how to handle the powerful and, as yet, unsubjugated Pedi polity. CW de Kiewiet has slated the British Administration of the Transvaal as a "timorous despotism"[25] and firmly blamed Sir Owen Lanyon, the Administrator, for the outbreak of the war in December 1880[26] because he remained "obstinately ignorant of [the] incendiary properties of personal resentment and popular patriotic emotion".[27] Further, he should have avoided the "extreme strategic and moral disadvantages of unpreparedness, surprise and early disorder".[28]

Deryck Schreuder[29] has viewed matters differently and has attempted to show that the blame for the outbreak of war needs to be apportioned far more widely than de Kiewiet suggested. To Schreuder, much of the blame should go to Gladstone who, despite the vehement criticism of Disraeli during the Midlothian campaign, decided to retain the Transvaal.

Both rightly emphasise the virulent anti-Boer prejudices that Britons

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25 CW de Kiewiet, The imperial factor in South Africa, p. 145.

26 Dictionary of South African Biography, I, 'Sir Owen Lanyon', A Davey, pp. 465-6.

27 de Kiewiet, The imperial factor, pp.272-3.

28 Ibid., p. 274.

29 DM Schreuder, Gladstone and Kruger. Liberal government and colonial 'Home Rule', 1880-5, p. 92.

(and Hollanders according to Trollope[30]) displayed. For instance, Sir Garnet Wolseley believed "the Boers [to be] essentially the most ignorant people [and] easily led ... [and that] in their present state [were] utterly incapable of governing themselves".[31] Lanyon was adamant that anti-British feeling was entirely due to "foreigners ... who have little or no property or vested interests".[32] As will become evident, Lagden soon acquired these prejudices.

More recently, Peter Delius has offered a revisionist interpretation of the British annexation of the Transvaal, and viewed it within the framework of a wider imperial strategy designed to control the transformation of the South African economy after the discovery of diamonds. Imperial strategists soon grasped "the essentially unitary nature of the developing South African economy".[33] What was especially needed was a uniform labour policy - "native policy" which would maintain and encourage a regional system of labour supply. Hence, the importance of Sir Theophilus Shepstone. Up to 1875, Shepstone had formulated Natal's "native policy". He then played a decisive role in shaping Carnarvon's thinking on a South African Confederation, and in 1877 was entrusted with the delicate task of bringing the Transvaal under British rule. It was especially fitting that Shepstone should remain in the Transvaal as Administrator, where he would be "able to apply his theory of cheap government through black chiefs, black taxes and black police to the Transvaal".[34] This plan ignored the complex

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30 Trollope, South Africa, p. 264.

31 Schreuder, Gladstone and Kruger, p. 62.

32 C 2367. Correspondence relating to affairs in South Africa, 1879, pp. 58-9, Lanyon to Frere, 13 April 1879.

33 P Delius, The land belongs to us, p. 218. Delius has expanded on arguments first advanced by Atmore and Marks, `The Imperial factor in South Africa in the Nineteenth Century', pp. 105-39; and, Etherington, `Labour supply and the genisis of South African Confederation', pp. 235-53.

34 Ibid., pp. 218-9.

realities of the Transvaal and the failure to win popular consent for annexation. Of equal importance, was the miserly attitude of Parliament towards colonies, even colonies approved by Parliament[35] were subject to severe financial constraints.

Lagden's stint in the Transvaal provides evidence to support all three analyses. However, if Lagden's diary accurately reflects contemporary preoccupations, then Lanyon's tennis and Wolseley's hunting suggest that de Kiewiet was closest to the mark in explaining the failure of the British Administration.

Much of Lagden's work appears to have been clerical in nature and involved him in the framing of despatches, filing reports and assisting visiting officials. From a career perspective, the most important work involved Lagden's attendance at the various sittings of the Executive, and later Legislative Councils. It is fair to assume that he had to deal increasingly with financial matters. When Sir Brampton Gurdon[36] arrived in the Transvaal, after March 1881, to handle financial affairs linked with the British retrocession, Lagden frequently had to assist him.

The departure of Shepstone from the Transvaal in March 1879 caused Lagden "regret", but in his successor, Lieutenant-Colonel (later Sir) Owen Lanyon, he soon found an appreciative and friendly superior. Indeed, after threatening to resign, Lanyon promoted Lagden to become personal private Secretary from 13 May 1879. As will become apparent Lagden regularly threatened resignation as a means to get his way in disputes. Lanyon, a bachelor, spent much of his time with Lagden on hunting trips and playing tennis. He appears to have been very generous in granting permission to make trips out of Pretoria. Of significance

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[35] Ibid., p. 222.

[36] Gurdon, a Treasury official, was very tight with Imperial finances and his treatment of the Transvaal was regarded by Sir Robert Herbert, at the Colonial Office, as "unfortunate".

to his later career, was that Lagden frequently accompanied Henrique Shepstone who had been appointed by his father to be Secretary of Native Affairs. No doubt, they frequently discussed "native affairs" and the application of Natal's policy to the Transvaal. Shepstone (senior) believed that the restructuring of African society was inevitable but held an abiding fear that a general anti-white combination of independent African rulers might prevent the peaceful extension of imperial rule. He further maintained that the expansion of white rule and control could be financed by the imposition of taxes on Africans. Hence, in Natal, revenue from Africans supported most of the costs of administration.

All three officers in the Transvaal Native Department, Henrique Shepstone, Clarke and Barlow, the commissioner for Zoutpansberg, had experience in Natal and were attempting to impose a "Natal policy" on the Transvaal. Hence, the initial task was to tax Transvaal Africans at the rate of 10 shillings a hut. The tax had to be paid in cash not kind.[37] To obtain the cash, Africans would not have to pay for passes when seeking work, presumably on the Diamond Fields. They were also assured of a safe journey to and fro. The payment of taxes in cash was intended to raise considerable revenue and stimulate migrant labour. The imposition of taxes and the insistence that a republican fine of 2 000 cattle on the Pedi that had been imposed in 1876, but never paid, now be paid to the British, led to a clash between the Administration and the Pedi. That Lagden was well-informed on such matters must be deduced from the fact that Clarke, more than any other official, dealt with the Pedi and that Wolseley[38], who arrived in the Transvaal in September 1879, soon became a close friend.

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[37] Delius, The land belongs to us, pp. 219-20.

[38] See, A Preston (ed), The South African Journal of Sir Garnet Wolseley, 1879-1880; Sir F Maurice and Sir G Arthur, The life of Lord Wolseley, pp. 114-32; and, Dictionary of South African Biography, I, 'Sir Garnet Wolseley', JH Lehman, pp. 886-8.

Wolseley had been sent to South Africa charged with the pacification of Zululand and the Transvaal. His real ambition was to become the Commander-in-Chief of British forces in India and he was opposed to going to the Transvaal for what he believed to be a civilian task. Although considered an "egoist and a braggart" by Disraeli, to quote WS Gilbert, he was "the very model of a modern Major-General". As noted above, he was a poor judge of the Boers and liable to annoy his critics in Parliament where the Tories championed Roberts and the Liberals Wolseley.

Prior to Wolseley's arrival in Pretoria, British forces numbering 2 000 made an unsuccessful assault on Maroteng, the Pedi capital and revealed how Shepstone and Clarke had underestimated the Pedi stronghold.[39] Wolseley decided to employ a traditional Transvaal tactic when attacking the Pedi. He turned to the Swazi for military assistance and received 8 000 men as well as 3 000 Transvaal African auxiliaries, to support his 3 500 white troops and volunteers.

On 26 November 1879 Wolseley's force stormed the Pedi at Tsate. The fighting resulted in carnage. Whilst only thirteen whites were killed and thirty-five wounded, between 5 and 600 Swazi were killed and almost equal numbers were wounded. However, over 1 000 Pedi, including three of Sekhukhune's brothers and 9 of his sons were killed. Little wonder that on 2 December Sekhukhune surrendered to the British forces.[40] Clarke witnessed the fighting and it is interesting to speculate that the events of 26 November 1879 made a great impression on him and were well-remembered when he assumed responsibility for Basutoland in 1884.

Much of the early part of 1880 was taken up by frequent meetings of the Executive and Legislative Councils. However, Wolseley found that he had

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[39] Delius, The land belongs to us, p. 239.

[40] Ibid., p. 245.

much time on his hands. This was often spent with Lagden on shooting trips and long walks. Lagden greatly impressed Wolseley who saw in him a man of ability and action after his own heart who deserved assistance if possible. It should be no surprise that Lagden, with his close association with both Lanyon and Wolseley, should later be noted by Bower, the High Commissioner's secretary, for his deep prejudice against the Boers.[41]

In June 1880, Lanyon, accompanied by Lagden, departed on an extended tour of the eastern and northern Transvaal. The trip was prompted by Wolseley who wanted Lanyon to visit Lydenburg, Zoutpansberg and Waterberg to make on the spot arrangements for their future management. In particular, he wanted to supervise the return of white farmers to lands earlier abandoned because of "the troubles" with the Pedi and to meet African chiefs to explain British policy and requirements.[42] Lagden's diaries indicate that much more time was given to interviewing chiefs and shooting game than to political discussions with Boers.

When Lanyon and Lagden returned to Pretoria after being absent for nearly nine weeks, instead of the six they had intended, Lanyon despatched an important and revealing letter to Kimberley, the Colonial Secretary. He believed:

> the white population appeared more or less satisfied and content with the present regime and that all the native chiefs in that part of the territory, many of whom were previously refractory and uncertain, came to tender their allegiance to Her Majesty's Government, and express their willingness to pay taxes imposed, and abide by the laws of the country.[43]

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41 CO 417/153/2619, Bower to Fairfield, 18 February 1895.

42 C 2740, Correspondence relating to affairs in South Africa, 1880, p. 7, Lanyon to Kimberley, 15 June 1880.

43 Ibid., pp. 28-9, Lanyon to Kimberley, 20 August 1880.

Also, as a result of the tour, Lanyon was to suggest that there should be a survey of lands in the Transvaal and that the Government should hold land in trust for Africans. His reasoning was:

> to protect them from losing their property through designing people or dishonest attorneys and agents ... the Transvaal was the city of refuge for people of this sort.[44]

After the eastern Transvaal trip, Lagden experienced two major mishaps. First, he lost most of his belongings when his room caught fire; and secondly, he experienced an almost fatal attack of enteric fever which caused him to be bedridden from 12 October to 7 November. Only intensive nursing by Lanyon and Mrs Bousfield, wife of the Bishop, enabled him to survive the illness.

Lagden had barely recovered from his illness before war erupted in the Transvaal. Displaying "unwarranted complacency", Lanyon ignored the warnings of Colonel Bellairs to take precautions against sudden attacks and possible loss of arms or ammunition because he believed the troops based in Potchefstroom were required only for "moral support" to civil officers.[45]

On 6 December, Sir John Kotze, the Attorney-General, wrote a long letter to Lanyon appealing to him to take some action to meet the demands of Boer critics of British rule.[46] He argued that Boer opposition to British rule was caused by the annexation and the way in which the Transvaal had become a portion of Her Majesty's Dominions in April 1877, and "the way in which we have governed the country during the subsequent three years". He continued: "The only true way of dealing with an evil is to discover the cause which produced it".

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44 Ibid., p. 89, Lanyon to Colley, undated.

45 AM Davey, `The siege of Pretoria', Archives Yearbook, 19, 1, 1956, p. 273. Bellairs commanded Imperial forces in the Transvaal during the 1880-1 war and succeeded Lanyon as Administrator of the Transvaal.

46 Kotze Papers, 1, Kotze to Lanyon, 6 December 1880.

Kotze argued that the Transvaal had not acquiesced to annexation and had both protested and sent a deputation to England. Therefore, a commission should be formed consisting half of Boer representatives and half of Lanyon's. Initially, it would tackle the problem of finances and grant a more liberal constitution. This would modify the annexation so that the Transvaal would have its own form of government, including the election of a president. Other matters that would be covered included the clear definition of the Transvaal's boundaries, the appointment of a British Resident by Her Majesty to watch over the interests of British subjects, the hoisting of the British flag on Her Majesty's birthday, no treaties with foreign powers, the enactment of all laws by proper legislative authority, the payment of all debts since annexation by the Transvaal Government and the holding of a future conference on confederation.

The letter was concluded with: "Such Yr [sic] Excellency is an outline of a scheme which I think with a little tact and management, the Boers and the anti-annexationists would agree to". Kotze had to wait until 17th December for a reply.[47] When it came, it was from Lagden not Lanyon, and it stated: "I have the honour, by direction of HE, Sir Owen Lanyon, to acknowledge the receipt of your letter addressed to him on 6th inst." In the meantime, an exasperated Kotze had written to Kimberley, the Colonial Secretary, on 16th December.[48] He pointed out that he had written to Lanyon but was now writing to Kimberley "as a sense of duty" as "I have not even received an ordinary acknowledgement".

Unknown to Kotze, Lanyon had dictated to Lagden a comprehensive despatch to Kimberley on 8 December 1880 concerning the Boer agitation prevailing in the Transvaal. In it, he argued that the rich Boers, with farms and stock, were too well off to join a rebellion, whilst the poor would not risk everything. He disregarded the chance of trouble as the agitators were "victims of a designing lot of persons who had

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[47] Ibid., Lagden to Kotze, 17 December 1880.

[48] Ibid., Kotze to Kimberley, 16 December 1880.

everything to gain and nothing to lose by a disturbance and who leave no stone unturned to sow sedition".[49]

Although fighting had broken out on 16 December, Dingaan's Day, relations with the Boers had been very precarious since mid-November when Potchefstroom officials had sued a Boer, by the name of Bezuidenhout, for failure to pay his taxes. When he proved payment, he was subsequently charged with costs and his wagon seized. As Walker has noted: "To the Boers, all direct taxes were an iniquity ... besides they argued that if they paid taxes willingly they would be recognising the interloping government at Pretoria".[50] Commandant Pieter Cronje and 300 Boers rescued the wagon whilst "thousands" of Boers assembled at Paardekraal, restored the Republic and named Kruger, Pretorius and Commander-General Joubert as a triumvirate to take charge of their interests.

The first shots were fired on Dingaan's Day, in Potchefstroom, by Cronje's forces. Despite the disaster British forces had suffered at Isandhlwana both Colley and Lanyon seriously underrated the Boer forces who shot a British column to pieces at Bronkhorstspruit. Then the Boers cooped up the rest of the Transvaal garrison in Pretoria and Potchefstroom whilst Joubert's burghers faced Colley on Laing's Nek where the main road from Natal entered the Transvaal.

Both Lagden and Lanyon were in Pretoria for the entire duration of the siege. As Lanyon's Secretary, Lagden attended the numerous Executive Council meetings and became an active participant in the defence of the capital and the formation of a laager, made difficult by a spell of exceptionally wet weather. Despite the gravity of the situation - martial law was declared on 21 December - the Christmas festivities were uninterrupted. Highlights included a Christmas Night dinner and an Army band concert on New Year's Eve. A disquieting note was the well-founded rumour that the Boers were attempting to raise the African

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[49] Lanyon Papers, 5a, 'Memorandum', 8 December 1880.

[50] EA Walker, A history of Southern Africa, p. 383.

population against the British.[51]

As Boer forces rapidly gained control over much of the Transvaal, it appeared that they would be able to capture Pretoria. Struben's house was burned down whilst stores of dynamite were found hidden by the Boers in outlying Pretoria dwellings. Apart from regular night guard duties, and helping plant vegetables, Lagden's main involvement was to assist Henrique Shepstone interrogate Africans about Boer activities.[52] Other duties included sending out foraging parties and organising African messengers to carry despatches to British forces throughout the Transvaal and beyond.

The outbreak of hostilities does not appear to have had much effect in bringing Lanyon to face reality. In early January, Bellairs rejected Lanyon's proposal that a force should be sent from Pretoria to relieve Potchefstroom.[53] His decision was based on the "impracticality of success being achieved" and that, should the force reach Potchefstroom, it would be "in such a crippled state as to render its return impossible". Whilst negotiating with Colley, who had succeeded Wolseley as High Commissioner for South East Africa, Lanyon's efforts can only be described as pathetic. He viewed the siege of Pretoria as "not an evil" because "it seems to weaken considerably the [Boer] force which would be available for concentrated field operations elsewhere". On the matter of reinforcements, "their number and whence obtainable can be better decided by your excellency than by me"![54] Later, Lanyon instructed Bellairs not to seek assistance from Magato, a chief in the Rustenburg district, to help with food supplies because:

> "it would have a most baneful effect upon our prestige and influence were the Government to allow the natives to have cause to

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51 Lagden Diary, 1880, entries for December.

52 Lagden Papers, Mss Afr S, 147, 'Notes, Boer War'.

53 Lanyon Papers, 5a, Bellairs to Lanyon, 7 January 1881.

54 Ibid., Lanyon to Colley, 18 January 1881.

think their aid was necessary, in order to enable Her Majesty to retain Her Supremacy in the Transvaal".[55]

Finally, in a despatch to Kimberley, Lanyon maintained his old position that it was outsiders who had caused all the trouble in the Transvaal. He argued that the outbreak of war was "unanticipated ... by the people themselves" and was the result of "momentary excitement" and "excited passions".[56] Proof of this was that "the large majority bitterly mourn the events which have followed". He summed-up his view that peace would have been maintained "had not the people been misled by unscrupulous adventurers, place hunters and foreign adventurers"!

An armistice was signed on 21 March 1881. Within two weeks Lanyon had been replaced by Bellairs as Administrator and was en route to Natal. Davey's comment that as Lanyon left the Transvaal, he "passed from the South African scene to obscurity"[57] is not quite accurate as he was to see further duty in Egypt in 1882. Lagden now found himself as Private Secretary to Bellairs. Significantly, and this reflects their friendship and mutual viewpoints, Lagden clearly saw his own fate connected with Lanyon's.

Lanyon had requested Lagden to settle his affairs in the Transvaal. This included the sale of most of his possessions. In a letter, Lagden commented on how hard he had been worked since Lanyon's departure, and that the Colonial Office in Pretoria "seems in a muddle".[58] Lagden was well aware of Lanyon's personal dislike for Bellairs, and stated that Bellairs "has considerably changed his tactics ... and is inclined to listen and act in a more comfortable manner ... whatever he may think of past administration, he keeps his opinions to himself finding, I fancy, that you had no bed of roses, and that to be a Governor is not

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55 Lanyon Papers, 5b, Lanyon to Bellairs, 14 March 1881.

56 Lanyon Papers, 5a, Lanyon to Kimberley, 1 February 1881.

57 Davey, `Siege of Pretoria', p. 302.

58 Lanyon Papers, 1, Lagden to Lanyon, 3 May 1881.

altogether to be happy and contented". He then complained of his dealings with the High Commissioner's office in Cape Town and noted that "Letters are unanswered, unregistered; heliograms undecipherable and things generally unsatisfactory". He concluded by telling Lanyon that, should any of his despatches come under examination, he would be informed and that he, Lagden, was not concerning himself about future employment as "you are kindly looking after me".

The following day Lagden informed Lanyon that one of his debtors had "bolted" without settling his account. There was a request for a supply of the Daily Telegraph to be forwarded from Newcastle.[59] When he next wrote, Lagden again complained that he was "full of work" because "the demoralised state of `public affairs' ... gives me abundance of work and difficulties".[60] However, on a more positive note, "the old man [Bellairs] confides in me and thoroughly thanks". A diary entry for the same day recorded "an eventful conversation with Col. B. [sic] which was not satisfactory". This conversation undoubtedly concerned Lagden's future prospects.

However, the real purpose of the letter was to inform Lanyon that a despatch was being sent to Sir Evelyn Wood, acting High Commissioner for South East Africa, regarding past finances "which seems to imply undue censure in the matter upon you". He assured Lanyon that he had "taken great trouble to work up the materials for this Despatch (which I hope you will see) and to refute clearly the delays attributed to you ... I trust it will meet with your approval". Lagden was able to do this because "Col. B. [sic] has left these matters entirely to me".[61]

Lagden concluded by stating that "Things going on very smooth - more or less here. [Bellairs] doing very fairly and changed his tone and I

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59 Ibid., Lagden to Lanyon, 4 May 1881.

60 Ibid., Lagden to Lanyon, 10 May 1881. Much material regarding Lanyon was destroyed on 4 May when Lagden, following Lanyon's request, burned Lanyon's private letters, Lagden Diary, 1881, 4 May.

61 Lanyon Papers, 1, Lagden to Lanyon, 10 May 1881.

think his opinions somewhat". Also, could he please "boss up" the postal people? He added that he had requested Clarke to "keep his name before Sir E [sic]. There is no harm, I hope".

In the Lanyon Papers there is a very brief outline of the despatch concerned.[62] Evidently queries were being raised about the expenditure of the raising and equipping of the Transvaal Horse Regiment and the late submission of accounts. Lagden had inserted: "I should wish to mention that HE [sic] Sir Owen Lanyon exerted himself personally to expedite the equipping and despatch of the corps to Basutoland, for which he received the thanks of the Transvaal legislature".

It would seem that neither Shepstone nor Lanyon were particularly successful in handling Transvaal accounts. Shepstone was, to de Kiewiet[63], an "execrably bad manager" of finances but at the same time "thoroughly honest". He also showed that Lanyon's "optimistic reports" of 1880 which indicated a surplus of revenue were interpreted by Kimberley into being an "enormous and hopeless deficit" which led the Colonial Secretary to conclude that "the policy in the Transvaal had been a failure" and it would require "great tact and patience to restore a healthy feeling in South Africa".

A final point requires discussion on Lanyon's role in the Transvaal. Whilst in Natal, Lanyon addressed a Minute to the Royal Commission appointed to settle Transvaal affairs.[64] With regard to "native policy", he noted that the "most solemn assurances" had been made to Africans that Britain would protect them as long as they obeyed the law. Therefore, it was hardly possible that their rule and supervision could be regulated by a government which had formerly demonstrated its

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[62] Lanyon Papers, 5b, 'Despatch: HE The Governor, Cape of Good Hope', Lagden 10 May 1881.

[63] de Kiewiet, The imperial factor, p. 285, quoting CO 291/18, Wood to Kimberley, 30 May 1881.

[64] Lanyon Papers, 5b, 'Minute - addressed to Royal Commission', May 1881.

"unfitness and incapacity for their management".

Lanyon considered that where Africans were weak, they were "tyrannically treated", yet if they were strong, "they were pampered to". He alleged that in some districts the Boers even paid "black mail" to the adjoining chief. Therefore, unless precautions were taken to ensure their treatment, "grave complications" could be expected to develop which would seriously affect British policy and the Africans themselves. He believed that the Boers would have to enforce their authority by force or they would have to call upon the British government to secure their possession of the territory.

He concluded that it would be wise to "measure our undertakings by our means for carrying them out, and to carefully weigh [them] before incurring any responsibility". 800 000 Africans could not be held on a "silken leash" but neither could the power of Great Britain be exercised to control them. To Wood, Lanyon was far more blunt:

> the sooner we get rid of contingent responsibilities, the better for imperial interests. The retrocession of the Transvaal, having been determined upon, the measure should be prompt and complete, without any fresh responsibilities being incurred to protect natives who are well able to protect themselves.

By this time, Lanyon was well aware that African taxation had yielded over £32 000[65] and that considerable amounts still had to be collected in Zoutpansberg and Lydenburg. Further, according to Henrique Shepstone, the majority of Africans professed to favour English rule.

What is problematic, in terms of this thesis, is to what extent did the above reflect Lagden's views, and more important, how did it affect his thinking on "native policy"? First, it is very likely that Lagden was greatly influenced by the Lanyon-Shepstone policy of administering

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[65] Ibid., 5a, Henrique Shepstone to Lanyon, 31 January 1881.

Africans. Secondly, as will become evident later, Lagden became a great proponent of traditional and tried policies. His only contribution being endeavours to make them more efficient and effective. Hence, it would appear that the main lessons learned by Lagden were: the importance of taxation as a source of revenue and stimulator of labour, the necessity for a clear demarcation of land boundaries between whites and Africans and separate officials whose sole duty was to administer Africans. All three were to be major concerns of the SANAC in 1905.

Before Bellairs departed from the Transvaal, he wrote, at Lagden's prompting, a "very nice letter to Sir E Wood about me"[66] which resulted in his appointment as Wood's Private Secretary. Bellairs informed Wood of Lagden's "well and faithfully discharged duties ... [which he had performed] with tact and discretion and [was] thoroughly trustworthy and reliable".[67] Lanyon had also written about Lagden. The report was succinct and complimentary. He recorded that "Mr G Y Lagden ha[d] acted as my private Secretary for nearly two years and I have much pleasure in testifying to his good work. He is an officer in the permanent service having been a clerk in the Colonial Secretary office in which capacity, the late Colonial Secretary, Mr Osborne spoke most highly of him".[68] This reference appears to indicate that Lanyon did not think highly enough of Lagden to venture into more flattering terms.

From July 1881, until he left the Transvaal in April 1882, Lagden was heavily involved in the Royal Commission for the Settlement of the Affairs of the Transvaal as Secretary and, on occasions, Deputy Commissioner. This Commission was established by the Pretoria Convention[69], which was signed on 3 August 1881. As Secretary to one

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66 Lagden Diary, 1881, 13 June.

67 Lagden Papers, Mss Afr S, 209/1/1, Bellairs to Wood, 13 June 1881.

68 Lanyon Papers, 5b, 'Minute on Officers - Transvaal Government', Lanyon, April 1881.

69 For details of the Pretoria Convention, G Eybers (ed), Select constitutional documents illustrating South African history, 1795-1910, pp. 455-62. For details on the Royal Commission for the Settlement of Affairs of the Transvaal, see Lagden Papers, Mss Afr S, 209/1/2, 'Report by the Sub-Commissioners on Claims, Transvaal'.

of the chief negotiators of the Convention, Lagden was party to much of the deliberations and discussions. This gave him opportunity to meet the new High Commissioner, fresh from New Zealand, Sir Hercules Robinson[70], but also, and perhaps, equally significant, he served Sir Brampton Gurdon, the Treasury official, supervising the financial arrangements of the Convention. The financial "training" and attitude, with its great emphasis on 'economy' would stand Lagden in good stead for his years in Basutoland and would also cause the Colonial Office to regard him as an accountant, when in 1883, they were pressured by Wolseley and Lanyon to find a post for Lagden.

It is pertinent to note Schreuder's views on the Pretoria Convention. He believed that it was "designed in Whitehall to fulfil a particular function: to provide a smoke-screen to cover revocation of the annexation, and to conciliate the South African Afrikaners by this apparent act of magnanimity".[71] It was to be an "illusionist's trick". The Boers were to be independent, yet their independence was not to interfere with the imperial protection of the Africans. Its main purpose was to get the Transvaal problem over with as soon as possible so that Gladstone's cabinet could concentrate on Ireland.

Before the signing of the Convention of Pretoria, the leading Transvaal chiefs were assembled in Pretoria and the terms were explained to them. Lagden observed that they regarded the matter as being "very unsatisfactory".[72] Amongst their objections were the limitations on the powers of the Resident, the fear of white encroachment on their lands, possible future "native" legislation and African security.[73]

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70 A capable and respected official, Robinson was closely associated with Basutoland between 1881 and 1889. Also, C 2754. Instructions to Sir Hercules Robinson, GCMG, January 1881.

71 Schreuder, Gladstone and Kruger, p. 203.

72 Lagden Diary, 1881, 2 August.

73 Schreuder, Gladstone and Kruger, pp. 217-8.

The Compensation Commission was to consist of George Hudson, Jacobus de Wet and Chief Justice John Kotze. Lagden was to act as Secretary. If pressure of work necessitated that one of the commissioners was unable or unwilling to act, the remainder would, after consulting the Transvaal Government, submit for approval, the names of persons to be appointed to fill the vacancy. Claims for compensation had to be the result of activities during "recent" hostilities. In accordance with the Extraordinary Gazette, claims had to have been presented before 1 July 1881.

On 8 August 1881, government was transferred to the Boers and the Compensation Commission began to meet regularly. By the end of August, most of the preliminary work in Pretoria had been completed and arrangements were made for trips into the districts. It was decided that claims would be heard in Potchefstroom, Rustenburg, Zeerust, Heidelberg, Newcastle and Middelburg. Apart from gaining considerable experience in the handling of compensation claims, Lagden acquired first hand knowledge of several districts that was likely to be useful when he became the Transvaal's Commissioner of Native Affairs in 1901.

The Commission received 1 941 claims amounting to £1 346 590. Of these 340 worth £393 000 were rejected, 1 601 claims were met and £150 049 was actually paid, even though £953 590 was originally claimed. The Commissioners were convinced that many of the claims were "exorbitant" or fictitious. They also recorded "their entire satisfaction with the zeal, ability and accuracy with which Mr G Y Lagden [had] performed his work both in the capacity of Secretary and as Deputy Commissioner".[74] He also received commendation from George Hudson, the British Resident in Pretoria, who informed the High Commissioner (Robinson) of the "efficient services rendered by Mr Lagden in his capacity as Finance Secretary - the work was one of considerable magnitude and responsibility".[75]

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[74] Lagden Papers, Mss Afr S, 209/1/2, 'Report by the Sub-Commissioners on Claims, Transvaal', undated, probably March/April 1882.

[75] Ibid., Hudson to High Commissioner, 15 April 1882.

Despite the obvious setback and disappointment over the British withdrawal from the Transvaal, Lagden did not fare too badly. Apart from the experience and skills gained, and the influential connections made, he received £204 as compensation for loss of office in August 1881. In addition, he received £30 a month whilst serving on the Compensation Commission.[76]

Early in April 1882, having purchased a wagon and span of sixteen oxen, Lagden packed his belongings and prepared to journey to Durban. He departed from Durban by sea and arrived in Cape Town on 14 May 1882. Whilst there, no doubt with future career prospects in mind, Lagden stayed with Graham Bower[77], the Governor's Secretary. Along with Bower, Lagden was able to visit the exiled Zulu king, Cetshwayo. After dining with Sir Hercules Robinson at Government House, Lagden sailed for England on the evening 15 May 1882, nearly five years after his arrival in Cape Town in July 1877.

Lagden was probably rather happy and pleased with himself on the return voyage. He was aware that Wood had written to Lord Kimberley, the Colonial Secretary, requesting that Lagden should be offered employment elsewhere if possible. Wood advised Kimberley that Lagden was "well-informed", his work "painstaking and efficient", his manners "good" and that he was possessed of "great physical energy and activity" and that he thought it desirable that Lagden "should be employed again, as opportunity may offer".[78] According to Bower, Kimberley's secretary had replied that Lagden would "be especially borne in mind" for some future position.[79]

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76 Ibid., Colonial Secretary, Pretoria, to Lagden, 4 August 1881.

77 Lagden cultivated a good relationship with Bower, who for officers such as Lagden, could be an invaluable ally as he was responsible for all communications between the High Commissioner and the Colonial Office.

78 Lagden Papers, Mss Afr S, 209/1/2, Wood to Secretary of State, 4 August 1881.

79 Ibid., Bower to Lagden, 5 November 1881.

Egypt.

Whilst in Pretoria, both Lagden and Lanyon had been friendly with William Russell, the correspondent of the Daily Telegraph, and supplied him with reports and assistance during the Zulu campaign. It seems that Lanyon, supported by Wolseley, was able to persuade Lawson, the Telegraph's editor, that Lagden should travel to Egypt as special war correspondent to cover the campaign against Urabi Pasha, leader of the nationalists, who opposed the increasing European domination of Egypt. Lagden's diary for his sojourn in Egypt clearly reveals how he relished the life and excitement of being a war correspondent.[80]

On 4 August 1882, two days after being best-man at Lanyon's wedding, Lagden set off for Egypt from Dover. Once in Egypt, he found many of his former colleagues in the Transvaal to be in Alexandria. These included Wolseley, the commander-in-chief of British forces, Wood and Lanyon. Within a week of his arrival, Lagden had sent twelve telegrams to the Telegraph detailing British forces and positions. On 24 August he observed military activity near Ismalia, which dominated the canal zone, and noted with patriotic pride, "we [British forces] maintained our position though heavily handicapped".[81]

Of particular assistance to Lagden was the Duke of Connaught with whom Lagden regularly dined. He personally witnessed the fighting at Cassassere and then rode into Ismalia without escort, to cable to Wolseley the news of British success. Likewise, Lagden witnessed the decisive fighting at Tell-el-Kebir when, on 13 September, British forces dispersed an Egyptian force of untrained fallah recruits. Lagden, in fact, was in an advance party of correspondents that entered Cairo before the arrival of the British army.

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80 For a succinct survey of Egyptian history in the 1870's and 1880's, GN Sanderson, 'The Nile basin and the eastern Horn, 1870-1908', in Fage and Oliver (general eds), Cambridge History of Africa, VI, 1870-c1905, pp. 592-609.

81 Lagden Diary, 1882, 24 August.

After the military campaign was over, Lagden paid a courtesy call on Wood, the Clarkes (Marshal was now commanding the Egyptian gendarmerie) and Sir Garnet Wolseley. Travelling home via Trieste, Vienna and Cologne, Lagden returned to London on 23 October just as his father was taken critically ill and was to die on 28 October. After the funeral, he travelled to Sherborne before returning to London.

Gold Coast.

Even though Lawson had been very pleased with Lagden's work, he had no immediate prospects open apart from the possibility of a book on Egypt. Therefore, in the company of Lanyon, Lagden decided to call at the Colonial Office. They were received by both Fairfield and Antrobus. As a result of this, Lanyon was able to persuade them to offer Lagden a temporary appointment in Accra where, due to the sudden deaths of two officials, the colony's accounts had fallen into arrears.[82] Apart from the obvious role of Lanyon, both Wood and Wolseley played influential roles behind the scenes in helping Lagden secure the post.[83]

For virtually all of early 1883 Lagden appears to have been unhappy with the Accra post. His recently widowed mother was against him leaving England whilst Lagden himself was very keen on securing a post in Natal. The Colonial Office does not appear to have considered him for the Natal post. Instead, they offered permanent posts in Sierra Leone and Fiji, neither of which appealed to Lagden.[84]

Lagden eventually left Liverpool for West Africa in April 1883. First, he was to travel to Accra, where for six months at a salary of £50 per month, he was to assist in placing the colony's accounts in sound

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82 Ibid., Wood to Lagden, 11 November. Also, Lagden Papers, Mss Afr S, 209/1/1, Secretary of State to Sir Samuel Rowe, Governor, Gold Coast, 30 March 1883.

83 Ibid., Wood to Lagden, 26 November 1882; Wolseley to Lagden, 31 January 1883; and, Gurdon to Wolseley, 8 November 1882.

84 Lagden Diary, 1882, 31 December; and, Lagden Diary, 1883, 29 and 30 January.

order. Then he would proceed to Sierra Leone to his permanent post.[85] The posting in Sierra Leone enabled Lagden to obtain a free passage to West Africa. Once in Sierra Leone, he would become the Assistant Colonial Secretary and Treasurer at a salary of £400 per annum. Hence, the temporary posting was to be financially worthwhile. His duties in Sierra Leone were to assist the Colonial Secretary and Treasurer in general duties with both departments, but also to be available for any other duties, in any part of the colony which the Governor might consider necessary or desirable.[86]

The stint in Accra proved to be a most unhappy and traumatic experience for Lagden. His eventual resignation from the Colonial Office and his refusal to carry out the orders of his superior, Sir Samuel Rowe, the Governor, were to bear heavily against him for a long time, especially within the corridors of the Colonial Office. Lagden's unfortunate relationship with Rowe was not his only problem. Like most colonial officials, Lagden found it most difficult to adjust to the intense heat and humidity of the Gold Coast, nor did he approve of the irresponsible behaviour and heavy drinking amongst his colleagues and their intolerant attitudes and violence towards the local people.[87]

Whilst it is possible to appreciate Lagden's predicament in the Gold Coast, when viewed in the wider context of his career, it is possible to see the critical manifestation of serious personal and psychological problems.[88] In 1883 Lagden was 32 years old, intensely ambitious and enthusiastic, but really without achievement. He was very despondent about future prospects and saw in Rowe and other officials, people who were unconcerned and disinterested in his progress. A situation, of

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85 Lagden Papers, Mss Afr S, 209/1/1, Bramston (CO) to Lagden, 22 January 1883.

86 Ibid., Secretary of State to Rowe, 30 March 1883.

87 Lagden Diary, 1883, entries for 19 May, 31 August, 4 and 12 September.

88 These problems have been briefly discussed by Peter Warwick, Black people and the South Africa War, pp. 66-8.

course, that was in direct contrast to that in the Transvaal where he had felt himself to be highly regarded.

Rowe was in Lagos (then administered as part of the Gold Coast) when Lagden arrived in Accra. His initial instruction "telling [him] to acquaint [himself] with the Treasury work"[89], did not impress the enthusiastic newcomer, and, as Rowe did not return to Accra until July, Lagden allowed the situation to develop for the worse, despite the kindness and concern of other officials, notably Lieutenant Governor Griffiths and his wife, when he succumbed to a violent attack of fever. The situation came to a head on 2 July 1883 when, having received a despatch from Rowe, and after an interview with Griffiths, Lagden noted in his diary: "I have almost made up my mind to go home ... I am becoming much demoralised at the state of things".[90] This was followed by a series of letters to Clarke, Lanyon and Robinson. No doubt, Lagden was appealing to them for help. Rowe's return to Accra only served to worsen matters.

Evidence, as presented in Lagden's diary, reveals that there were clearly two sides to the saga. Certainly Rowe infuriated and insulted Lagden when he "was very rude to me in front of all the niggers"[91] but, on the other hand, Rowe does appear to have fairly involved Lagden in the work associated with his brief, and to have openly expressed pleasure and satisfaction with his work on accounts, estimates, reports and despatches. It would be fair to conclude that Rowe was not prepared to tolerate Lagden's moods, whims and self-pity, and that Rowe's open and obvious disapproval did not halt his frequent outbursts.

One incident throws light on the issue. Recalling that Lagden was in Accra to assist in placing the finances and accounts of the Gold Coast in order, his appointment to head a commission to establish an Audit

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[89] Lagden Papers, Mss Afr S, 209/1/1, Rowe to Lagden, 23 March 1883.

[90] Lagden Diary, 1883, 2 July.

[91] Ibid., 3 August.

Office should have been regarded by him as a logical move.[92] However, he created a very unpleasant and unnecessary scene when he objected to his credentials being described as "various minor official matters" and proceeded to decline the nomination and offer his resignation. Yet, two days later, on 25 August 1883, he informed the Colonial Secretary that it would "be [his] earnest endeavour to carry on the work with all expedition".[93]

Diary entries for the period reveal his despondency and means of escapism:

> It is my delight and leisure to feed and play with dogs, pony and cat;
>
> My servants wrong me dreadfully. They are the worst specimens;

and,

> have made up my mind not to remain unless things are much altered, 'Christmas festivities' still going on.

Later, after his dog, Ben, had saved his life and had itself been killed by a puff adder:

> I cannot make out why GOD made snakes and [I] do not agree with the Bible which says that all creation is good.[94]

The climax of Lagden's struggle with Rowe came on 13 October when he was informed that the Colonial Secretary had instructed Rowe to send Lagden to Sierra Leone immediately.[95] Lagden was furious and felt that Rowe should have informed the Colonial Secretary that he desired two months leave before departing, but Rowe refused and dropped the matter. Despite several meetings, neither would relent and the resignation threat of 16 October was handed in on 1 November after

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92 Lagden Papers, Mss Afr S, 209/1/1, Lagden to Rowe, 22 August 1883.

93 Ibid., Lagden to Acting Colonial Secretary, 25 August 1883.

94 Lagden Diary, 1883, entries for 27, 28 and 31 August, and 22 September.

95 Ibid., 13 October.

Lagden had organised a trip to "Coomassie" (Kumasi) and purchased the necessary provisions.[96]

The decision to resign and proceed without permission requires further comment. As Rowe explained, Lagden had originally been appointed to West Africa to serve in Sierra Leone and that was why he had received a free passage. The temporary posting of Lagden to Accra certainly benefited the Colonial Office, but Lagden did receive a considerably larger salary than he had accepted for Sierra Leone, and he had also received a free passage to Accra and would receive one to Sierra Leone. Also, Rowe pointed out, Colonial Office conditions of service clearly indicated that officers such as Lagden could be required to perform extra duties if necessary.[97] Hence, as Lagden had not fulfilled his contract in Sierra Leone, he was not entitled to leave, and any unilateral decision by Lagden would be received most seriously by the Colonial Office. He was then, and later, to claim that Rowe was being a "stubborn old mule"[98], but he was implementing policy correctly. The whole episode illustrates Lagden's frustrations at being in the Gold Coast, and his irrational behaviour, which was to recur on several occasions, was symptomatic of his depressive nature.

Lagden's interest in Kumasi was probably aroused by several factors. British forces, led by Wolseley, had fought a major campaign against the Asanti Confederation in the 1870's.[99] Incidentally, Lanyon had acted as Wolseley's aide-de-camp. No doubt, both had spoken to Lagden of the campaign. Whilst perusing the Blue Books in Accra, Lagden had gleaned considerable information about the area but most likely, his

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96 Ibid., 1 November.

97 Lagden Papers, Mss Afr S, 209/1/1, Circular 1365, 7 September 1882.

98 Ibid., Mss Afr S, 209/1/4, 'Papers relating to the beginning of my life', p. 3.

99 For a brief discussion, see R Hallett, Africa since 1875, pp. 278-81. Also Y Person, 'Western Africa, 1870-1886', in Fage and Oliver (general eds), Cambridge History of Africa, VI, pp. 227-31.

great love of adventure and challenge were stimulated by the opportunity at hand. Rowe was specifically stubborn on Lagden's decision to visit Kumasi. The fact was that Rowe, as a proponent of a forward policy, was reined in by the Colonial Office.

Kumasi lay inland from Accra and was only accessible by travelling up river and along paths cut through the jungle. The local people (Adansis and Bequoi), members of the Fanti Confederation, were continually at loggerheads with the Asanti, who were determined to resist further interference from the British and coastal people. Any expedition by whites into Kumasi would have inevitably been regarded as a threat. Similarly, the Colonial Office would have regarded such an expedition as dangerous, foolhardy and provocative. This does not appear to have daunted Lagden even when matters turned decidedly threatening and dangerous. He maintained an unparalleled degree of naiveté and surprise at the impact of his sudden arrival in Asanti.

Lagden's walk to Kumasi commenced on 3 November 1883 and he was soon struck by the immense size of the trees and great variety of fruits and food available. Two severe setbacks were his failure to secure the services of cancemen who would have facilitated his journey, and the loss of his money bag containing £12 worth of penny pieces. He appears to have remained oblivious to the ominous significance of the "great tom-tomming going on" nor did he appear to have grasped the implication of the statement made by Chief Foomoosa who reported that he was more afraid of the English than the Asantis because he feared "the English would eat him - these people eat monkeys and everything living except themselves".[100]

Lagden eventually arrived at Kumasi at 5.30 pm on 13 November and was immediately received by King Koffee. To Lagden, it was a most remarkable moonlight scene with "pageantry and carnival in all galore". However, from this time, until his escape on 23 November, his life was in mortal danger. Early the next day, Lagden was summoned to appear

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[100] Lagden Papers, Mss Afr S, 151, 'Ashanti', p. 35.

before the King and Council to give an account of himself. The Asanti, understandably, interpreted his arrival as an ominous warning of possible British intervention. Lagden unsuccessfully attempted to dispel such thoughts.

Recounting that he was an Englishman who had travelled over much of Africa and wanted to see their land which was so different to all others, Lagden said he was collecting bird, insect and plant specimens to show the English people. He further stressed that he was in no way connected with the English Government and that he was sorry that they had had a quarrel with the English.[101] Needless to say, Lagden remained a prisoner.

To compound matters, Lagden soon succumbed to malaria and became desperately ill and was unable to eat. He experienced a "most frightful night with fever" and found himself "quite delirious" and "in despair took chlorodine and nearly did myself by taking too much".[102] Perhaps the critical illness caused the Asanti to ease their grip on Lagden. Under escort, he was permitted to wander around the village. By 21 November, the fever had broken and the pain subsided, enabling him to eat dinner for the first time in over a week. The next day, Koffee visited Lagden to bid him "adieu". He interpreted this as indicating that he would be killed. However, during the night, one of elders, fearing English revenge in the event of Lagden's death, assisted him to escape, whereupon he fled to the King of Bequoi.[103]

Lagden's expedition did not go unnoticed. A small notice in the Gold Coast Times[104] referred to it:

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101 Lagden Diary, 1883, 14 November.

102 Ibid., 15 November.

103 Ibid., 23 November.

104 Quoted by Cassidy, `Britain and Basutoland', p. 48.

Mr Lagden

> We understand that the visit of Mr Lagden, the Financial Commissioner, to Coomassie, is purely unofficial and the fact that he was unaccompanied by any escort lends probability to the view.

By 1 December, Lagden had reached the coast. The next day he sailed for England, having at least partially recovered from his ordeal. Meanwhile, whilst in the port at Freetown, he despatched long letters to both Lanyon and Clarke. Eventually, he arrived in London on 29 December and attempted to reassure his mother and friends as regards his health and welfare.

When Lagden had refused to obey Rowe's instructions to travel to Sierra Leone, he had been warned that the Colonial Office would take the matter seriously and would be "malicious" towards him. When Lagden visited the Colonial Office on 2 January he found himself struck off their list and that he had become a "derelict". As he recorded in his diary he received a "rather chilly" reception from the authorities.[105]

However, events in Basutoland provided a reprieve for Lagden.[106] The Imperial Government had decided to resume authority over Basutoland. The person chosen to head the administration was Marshal Clarke. Apparently, his acceptance of the position was linked to Lagden being allowed to join his staff! In this, he was supported by Sir Hercules Robinson. As the Basutoland officers were to be employed on a temporary basis and paid out of locally raised revenue, the High Commissioner, not the Colonial Office, was to be responsible for approving

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105 Lagden Diary, 1884, 2 January. Also, Lagden Papers, Mss Afr S, 209/1/3, `Papers relating to the beginning of my life', p. 6.

106 JA Benyon, `Basutoland and the High Commission with particular reference to the years 1868-1884: the changing nature of the Imperial Government's "special responsibility" for the territory', unpublished D Phil thesis, Oxford, 1968; and, S Burman, Chiefdom politics and alien law: Basutoland under Cape rule, 1871 - 1884, provides the background for British resumption of control over Basutoland.

appointments. On 21 January 1884, Lagden informed Clarke that he was willing to accompany him to Basutoland. Whereupon, the Colonial Office reluctantly acceded to Lagden's appointment provided he reimbursed the £30 for his West Africa passage.[107]

Indeed, Lagden was extremely fortunate to escape with no punishment. It will be clear, in future chapters, that his escapade was not soon forgotten within the Colonial Office. It is truly ironical that Lagden should have been offered a post that was to lead to such a long and prominent career after his reckless and insubordinate behaviour. He could hardly have expected such a future at the end of 1883. Perhaps the overriding factor in Lagden's, career, thus far, was the influence of important friends in securing employment for him. There was little to suggest that he would become a noted officer.

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[107] Lagden Diary, 1884, 30 January.

CHAPTER 2

BASUTOLAND 1884-1892

Political Developments, 1867-1884.

Basutoland first came under British protection in 1868 when the High Commissioner, Sir Philip Wodehouse, annexed Moshoeshoe's territory to prevent the Orange Free State from completely destroying the Basotho and absorbing all the arable land on both sides of the Caledon River.[1] It was at the Convention of Aliwal North, in February 1869, that the boundaries of Basutoland were demarcated and the future of the country assured.[2] However, the Basotho lost much of the land previously utilized for crop growing. Britain was a most reluctant ruler of Basutoland and its incorporation into the British Empire was due, according to Hemmings, a Colonial Office official to:

> the ruthless cruelties perpetrated by the Boers upon the unhappy natives [that] induced the Imperial Government to modify its resolution ... [and] recognise [Moshoeshoe] and his tribe as British subjects.[3]

Amongst the significant terms agreed to by Wodehouse and Brand, President of the Free State, were that the Basotho should lose all their lands to the west of the Caledon as well as much of the land in the Caledon-Orange triangle, despite the fact that traditionally these

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1 Lord Hailey, Native administration in British African territories, V, pp. 41-3.

2 Basutoland, High Commissioners Proclamations and Notices to June 30, 1909, article 1, pp. 34-5. See Appendix 1, The geography of Basutoland (Lesotho).

3 CO 879/254, p. 3,'Memorandum on the early history of Basutoland and its annexation as a British authority', Hemmings, January 1883.

Sketch Map: Basutoland, showing the major stations of the Native Commissioners.

were the main areas of Basotho grain production. The British Government undertook to control the border to prevent Basotho threats on Free State property and burghers while, for its part, the Free State undertook not to maintain further desires on Basotho land even though it strongly opposed British intervention when the Free State believed it was on the point of achieving an emphatic victory.

Moshoeshoe, the ailing King, and Buckingham, the Colonial Secretary, shared similar thoughts. Moshoeshoe desired "a Native Reserve, where Natives alone should be allowed to dwell" and that he and his people "should depend from the High Commissioner". Buckingham agreed as this correlated closely with his own view that the Basotho would eventually be united with one of the South African colonies and Britain should not have to provide financial or military aid for Basutoland except for the protection of property and the maintenance of order along the border.[4]

In spite of British sovereignty, the Basotho chiefs retained much of their traditional status and determined to preserve their powers. The absence of British personnel led the Basotho commoners to look to their chiefs for effective regulation of everyday life. Though the British administration "was not entirely an absentee ... it was a thing apart and was considered such".[5] British rule involved a continuation of traditional practices along with a diplomatic presence. Indeed, as Benyon has noted:

> such was the liberty enjoyed by the chiefs that they would, in future, look nostalgically back to these years, especially when the authority of the Cape's magisterial system began to weigh heavily upon them.[6]

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4 Ibid., pp. 3-4.

5 Benyon, `Basutoland and the High Commission', p. 207.

6 Ibid.

In March 1871 when the British Government deemed it "expedient"[7] to transfer Basutoland to the Cape, its authority depended on an Agent, two magistrates and a small detachment of police.

Cape rule of Basutoland was, by its very nature, destined to failure. The replacement of the authority of chiefs and headmen by that of magistrates was not suited to prevailing Basotho attitudes, and Cape officials were regarded with suspicion. Regulations enacted in 1871 and 1877 gave magistrates complete criminal jurisdiction at the expense of the chiefs, who were left with no definite field of jurisdiction. Equally ominous was the failure to mention the recognition of customary law and that magistrates possessed ultimate authority in the allocation of land, though land did remain inalienable. The main function of the chiefs appeared to be their role in the collection of the hut tax.[8]

Understandably, the chiefs objected to this new system and particularly to the withdrawal of criminal jurisdiction, the authority of Government officials to allocate land, the right of appeal to magistrates by those convicted in the chief's court and apparent interference in Basotho law. It is important to realise that the chiefs' opposition to Cape rule was strong before the foolhardy attempts to enforce the Cape Peace Preservation Act of August 1878 and the decision to double the hut tax and deprive the Basotho of the Quthing District which was to be opened to European settlers. Quthing became a major grievance as the Basotho believed all of the country to be an inalienable reserve.[9]

During the Gun War Letsie, the King or Paramount, feigned cooperation with the Cape but his son and heir, Lerotholi, and brother, Masopha, favoured active resistance. Molapo, the dominant chief of Leribe, had recently died and his sons, Jonathan and Joel, were at odds over his estate, primarily his herds. While Jonathan remained loyal and assisted

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[7] CO 879/254, p. 4.

[8] Hailey, Native administration, pp. 47-8.

[9] Quthing was in the south east of Basutoland and was the scene of Moorosi's revolt. See A Atmore, 'The Moorosi rebellion: Lesotho, 1879', in R Rotberg and A Mazrui (eds), Protest and power in Black Africa, pp. 3-55.

the Cape, Joel sided with the rebels. However, despite Jonathan's loyalty and bravery as a leader of mounted troops, the Cape was unable to gain ascendancy over the Basotho and willingly accepted the offer of arbitration by Sir Hercules Robinson, the High Commissioner.[10] Robinson was able to restore peace between the Cape and the Basotho but the deep divisions within Basotho society remained with Letsie unable to assert his authority, especially over Masopha.

That the Gun War was a turning point was gradually appreciated by both the Cape and Imperial officials. Retention of the status quo ante bellum was essentially impracticable because of the Cape's inability to defeat the Basotho. Cape cries for the abandonment of Basutoland appear to have been taken seriously by both Letsie and Lerotholi[11] whilst the intervention of General Gordon in the "Basutoland Imbroglio"[12] only served to illustrate the futility of any hope that the Cape might have had of solving the "turbulent incubus".[13]

In October 1882, JW Sauer, Cape Minister of Native Affairs, travelled to Basutoland and, amongst others, interviewed Masopha who emphatically stated that he strongly objected to direct rule by magistrates. What he wanted was a return to the 1869 conditions with no interference in the customs of the people or the powers of the chief. The main tasks of the Government would be to keep the nation at peace and the Free State at bay.[14] As Benyon aptly comments:

> it was not so much a blueprint of government that was required ...

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10 Hailey, Native administration, pp. 53-4.

11 Benyon, 'Basutoland and the High Commission', p. 520.

12 E Bradlow, 'General Gordon in Basutoland', Historia, 15, 1970, pp. 223-42.

13 Sir G Lagden, 'Basutoland and the Basutos', Scottish Geographical Magazine, June 1901, p. 350.

14 Annexures to votes and proceedings of the Cape Parliament, G6 of 83, p. 35, Meeting between Masopha and Sauer, Thaba Bosigo, 18 October 1882.

as a calm, systematic and tactful administration, with pragmatic and able supporting assistant commissioners who could gradually, over the years, win back the respect of the tribe for white rule.[15]

The Colonial Office began to show more interest in the idea of resuming direct control over Basutoland as favoured by humanitarians such as Mabillé, the French missionary[16], and Mackenzie, the London Missionary Society leader in Bechuanaland.[17] Both had publicly advocated direct rule from Britain. Consideration was then given to reviving the peculiar "interim" form of government as established by Wodehouse. Therefore, Hemmings, a junior Colonial Office official, was instructed to analyse and report on past policies. He recommended a resumption of control but the exercise of power indirectly through the chiefs.[18]

The High Commissioner was regarded as a serious candidate to assume responsibility for Basutoland because he was, supposedly, unencumbered by partisan local interest and was untainted by the stigma of failure and unpopularity among the Basotho. He had a long relationship with them while the Free State was viewed as an enemy and threat. The Cape had already demonstrated that it possessed insufficient troops, had lost prestige, and had neither the means nor the will, to formulate an acceptable solution.

The outbreak of interclan warfare in Leribe, in November 1882, over the disputed succession to Molapo and the conflicting claims upon his inheritance by Jonathan and Joel, brought home the urgent need to

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15 Benyon, 'Basutoland and the High Commission', p. 527.

16 A leading French missionary in Basutoland who maintained close contacts with humanitarians in Britain. See E Smith, The Mabillés of Basutoland.

17 A prolific missionary writer who believed that the Imperial Government should administer and protect African communities in South Africa and that the High Commissioner should be separate from the Cape Government. See A Sillery, John Mackenzie; and, CO 417/21/13230, Robinson to Knutsford, 11 June 1888.

18 CO 879/254, p. 5.

determine Basutoland's future. The struggle was inflamed by Jonathan's loyalty during the Gun War and Joel's leadership of the rebels in the district.

Haunted by Rhodes's statement that "restoration of order by moral persuasion was hopeless"[19], T Scanlen, the Cape Premier, accompanied by Sauer, visited Basutoland in March 1883, to ascertain Basotho wishes. He received his answer from Nehemiah Moshoeshoe:

> A great number of people prefer the Imperial Government because they see the Colonial Government is always changing and puts some heavy tasks upon them such as disarmament which caused the last war.[20]

Scanlen, supported by his cabinet, could see no Cape policy succeeding in Basutoland. Therefore, he prepared a minute for the British Government asking for a decision on future Imperial policy towards Basutoland. Merriman, in London, urged the British Government to resume direct responsibility.[21]

Gladstone, the British Premier, was opposed to admitting any imperial responsibility for Basutoland, but Derby the Colonial Secretary, strongly supported by Robinson, countered that a number of imponderables rendered a negative course impossible because it would certainly result in open warfare between the Free State and the Basotho. Derby's thinking was heavily influenced by the memoranda of Hemmings and Robinson.[22]

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[19] Quoted by Benyon, `Basutoland and the High Commission', p. 561.

[20] C 3708, Correspondence re Basutoland, p.59, Meeting at Maseru, 19 March 1883.

[21] Benyon, `Basutoland and the High Commission', p. 586. Also, P Lewsen, John X Merriman. Paradoxical South African Statesman, pp. 105-6.

[22] CO 879/256, `Memorandum on the Basuto Question', Sir Hercules Robinson, January 1883; and, CO 879/20, No 263, `Sir Hercules Robinson on the Transvaal and Basutoland - interview with the Earl of Derby', 16 May 1883.

Robinson's memorandum was a shrewd and calculated attempt to convince Derby that Basutoland should be returned to British rule and that this could be achieved without alienating the Free State, Basotho or the Imperial Treasurer. He argued that Basutoland should become, as Moshoeshoe had desired, a native reserve under the High Commissioner with local revenue being utilised for a simple administration. Britain's responsibilities to the Free State, the protection of property and maintenance of order along the border, would remain.[23]

Immediately after Robinson arrived in London, May 1883, he was interviewed by Derby. He was forthright and emphatic. He stressed the urgency of the problem and that there were "great troubles and difficulties to be dealt with"[24] before "anarchy" spread throughout Basutoland. Further, he reiterated the probable complications with the Free State if Basutoland was abandoned.[25]

Working closely with Scanlen and Merriman, Robinson argued that it was possible to obtain good terms from the Cape in the form of a fixed constitution "in consideration of [the Cape] being relieved from the cost and responsibility of governing the country".[26] The idea of a Crown Colony was rejected on the grounds of cost and inconvenience. Only the peace of the frontier had to be maintained and adequate revenue was available for this. Alternatively, if Basutoland was abandoned, the Free State would be entitled to claim some compensation from Britain in the event of another war.

Robinson considered it essential that the Basotho show that "they [were] generally - almost unanimously - desirous to remain" under Britain and that they would give some "strong practical proof of their loyalty ... Masopha must leave Thaba Bosigo where he [had] no right to

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23 CO 879/256, pp. 3-7.

24 CO 879/263, p. 1.

25 Ibid., pp. 2-3.

26 Ibid., p. 3.

be". If they remained under Britain, they should be "governed and interfered with as little possible" as that would make it easier to "abandon them completely if necessary". He rejected fighting and coercion.

The High Commissioner calculated that £25 000 would cover the costs of a frontier police force and basic administration. The revenue would come from the Cape and Basutoland. As Merriman was due in London the next week, Robinson believed it desirable to inform him what Her Majesty's Government was prepared to do.

In June 1883 Derby presented his "Settlement of Basutoland" proposals.[27] They were prefaced by his interpretation of British responsibilities - he believed Britain to have none. He reasoned that the Cape Parliament had decided upon the annexation of Basutoland under no pressure from Britain and that the "Liabilities so undertaken cannot ... be lightly cast off". Also, as most of the major chiefs had fully accepted Robinson's arbitration in 1881 and had since been in open rebellion, he considered Her Majesty's Government to be free as:

> regards the [Basotho] to take that course which may seem most consistent with their duty in view of the circumstances of the present moment and the general interests of the Empire alone.[28]

Therefore, Derby argued, Her majesty's Government <u>could not</u> admit that the Cape:

> had a clear and unquestionable right to surrender the trust which it had accepted in 1871, that the Orange Free State [was] entitled to claim more than that in such event Her Majesty's Government shall undertake a fair share of the maintenance of the peace of the frontier; and that the [Basotho] have deserved or are entitled to claim that the old relation with the Crown shall be re-established.

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[27] CO 879/264, "Settlement of Basutoland", Derby, 14 June 1883.

[28] <u>Ibid</u>., p. 3.

However, Her Majesty's Government:

> principally in recognition of the strenuous efforts made by the Cape to govern Basutoland, [was] willing to test provisionally and for a time, the sincerity of the assurance that the [Basotho] desire[d] to come again under the Crown.

The following conditions would have to be met: the Basotho would have to demonstrate their sincere desire to remain under the Crown and would have to undertake to provide such revenue as was required and to be obedient to the laws and orders of the High Commissioner; the Orange Free State would have to cooperate with Britain on all border matters; whilst "the Cape Colony shall undertake ... to pay to the High Commissioner, on account of Basutoland, all customs duties or other revenue which may be received on account of goods imported into that territory or a connection with it, or an equivalent for such revenue". Derby concluded that "Her Majesty's Government accepts no permanent responsibility for the affairs of this part of South Africa".[29]

In early November, Sir Robert Herbert, Permanent Under-Secretary at the Colonial Office, prepared a minute on Basutoland[30] in which he noted that the Cape had agreed to provide an annual contribution of £20 000 and that Robinson had agreed that it would be adequate to cover estimated costs. Further, that assurances had been received that the Orange Free State entertained no hostile intentions against Basutoland.[31] What was needed now was to test the Basotho, ("quiet at present"). A responsible officer, such as Bower, would have to address them. He considered that the future administration of Basutoland required a "tried and able Commissioner ... with two or three subordinate officers, at a total cost of £5 000" be appointed, along with a mounted police force costing £15 000, whilst internal affairs

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[29] Ibid.

[30] CO 879/271, 'Confidential Minute', Sir Robert Herbert, 8 November 1883.

[31] Ibid., p. 2.

would remain in Basotho hands, with education remaining a missionary enterprise.[32]

On 10 November 1883, the British cabinet decided to invite the Basotho to consider the provisional terms as proposed by Herbert. Robinson suggested that a national pitso would be the most appropriate means of determining their opinion. Letsie nominated 29 November 1883 as the most suitable date to consider the proposals.

Before the pitso was convened, Derby cabled Smythe, the acting High Commissioner, and clearly stated the British viewpoint on Basutoland and the conditions on which the Basotho would have to agree. He reiterated that Her Majesty's Government was:

> under no obligation to resume their Government or protection. But the Queen fear[ed] they [were] not strong enough to stand alone. If left to themselves, the future of the [Basotho] nation [would] not be long.[33]

Robinson had informed Derby that:

> the whole structure of authority in Basutoland [had collapsed and that her Majesty's Government would find itself] reduced to the choice of retiring from the country in the face of defiance, or of sending in a considerable force.[34]

The British terms were put to the Basotho by Matthew Blyth, the Governor's Agent in Maseru. In his opening remarks he stated that:

> There are two roads now, one to peace, the one that your father [Moshoeshoe] put you on. By refusing or evading the questions,

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32 Ibid., p. 3

33 C 3855. Further correspondence respecting the Cape Colony and adjacent territories, Enclosure No 46, National Basuto Pitso at Piet Makolokola's village, 29 November 1883, pp. 50-4.

34 Ibid., p. 40, Robinson to Colonial Office, 13 November 1883.

there is the other road which leads to war, ruin and destruction as a tribe.[35]

He stated the British attitude simply and directly:

1st. That the Basotho nation earnestly desire to remain British subjects under the direct government of Her Majesty the Queen.

2nd. That the Basotho nation undertake and promise to be obedient in all things to the laws and orders of Her Majesty's High Commissioner and the Officers he shall appoint.

3rd. That the Basotho nation shall agree to and fully pay, an annual hut tax of 10s sterling on each hut.

Letsie and Lerotholi agreed whilst Joel later gave his assent. Ominously, Masopha adopted a defiant stance and called his own pitso.[36] He informed his "recalcitrant following" that he did not desire the rule of the Imperial Government or any other; he wanted complete independence and to be left alone. He did not wish to attack the Government but he was prepared to fight. No magistrate should be sent to his country.[37]

Letsie, realising the gravity of the situation and the imminent demise of the Basotho, implored:

Abandon me not, even though Masopha refuses to follow me ... Abandonment means our complete destruction. We do not want our independence. Listen, Queen, to my earnest prayer: I and my people

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[35] Ibid., pp. 42-3, Address by Blyth, Governor's Agent, 29 November 1884.

[36] Ibid., Officer, Administering Government of Cape of Good Hope, to Derby, 9 December 1883.

[37] Ibid.; and, Sir G Lagden, The Basutos, p. 556. These events are fully covered in Chapter XXVI, pp. 552-62.

> will follow faithfully wherever you lead.[38]

Despite Masopha's stance, the British cabinet decided to resume responsibility for Basutoland. Therefore, on 17 December 1883, Derby informed Robinson that Britain was to resume the administration.[39] Whereon, according to Lagden, Letsie and his sons:

> declared their earnest desire to remain British subjects under the authority of the Queen.

Whilst there was no doubting the sincerity of Letsie and his followers, there was considerable consternation about Masopha's future actions. The British decision had the effect of leaving Masopha triumphant as he "not only refused consent but threatened to oppose the new regime". Writing in 1909, and taking a far more aggressive line than he had as an administrator, Lagden criticised the British decision as taking "the line of least resistance" and ignoring "the evil consequences of overlooking insults from a subject chief".[40]

In an analysis of the numerical support of the various chiefs, Blyth reckoned that Letsie had the support of 100 000 men whilst 20 000 were absent from the pitso. However, the 20 000 included Joel's followers and others who later assented to British conditions.[41] A week later, he put Masopha's direct support at 4 000 but cautioned that this figure would be affected by whatever action the British took. He added a warning:

> As a general fact, all the Chiefs, although they have stated that they desire to be under the Queen, would resist any considerable

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38 C 3855, p. 45, Letsie to Colonial Office, 1 December 1883.

39 Lagden, The Basutos, pp. 557-8.

40 Ibid.

41 C 3855, p. 47, Blyth to High Commissioner, 9 December 1883.

and actual curtailment of their power.[42]

Blyth was warning Derby that he should not contemplate any major action to bring Masopha to heel. However, as was to become blatantly obvious, Her Majesty's Government was never to contemplate decisive action in Basutoland and preferred to note Letsie's expressed pleasure at being under British rule again. Letsie's interpretation of future British policy was remarkably similar, if somewhat optimistic, to that of the Colonial Office:

> May her Majesty protect us and seek for us what is just and good; may she inquire into our wants, and henceforth all matters pertaining to this tribe be carried out with a complete mutual understanding.[43]

By the end of 1883, the Basotho were preparing to come under British protection again and were safe from ill-conceived Cape intervention and the threat of Free State encroachment. The British decision brought relief and pleasure to the Cape Government but many British figures regarded the step as provisional and temporary. Indeed, British policies after 1884 clearly show this. Britain was hardly inclined to implement any major step or accept an ad hoc solution to a complex and potentially dangerous situation capable of upsetting Britain's wider regional interests.

Basutoland, 1884-92. General Administration and Development.

Basutoland was the direct responsibility of the High Commissioner based in Cape Town. He was represented in Basutoland by a resident commissioner in Maseru, and a handful of district officers, assistant commissioners.[44] The chosen resident commissioner, Colonel Marshal

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42 Ibid., p. 50, Blyth to High Commissioner, 18 December 1883.

43 C 4263, Correspondence re Basutoland, pp. 8-9, Chief Letsie to Acting Governor's Agent, 9 January 1884.

44 Basutoland High Commissioners Proclamations and Notices to June 30, 1909, Proclamation by His Excellency, Lieutenant-General the Honourable, Sir Leicester Smythe, 18 March 1884. Also, Benyon, 'Basutoland and the High Commission', pp. 623-7.

Clarke[45] had strong support and backing from three influential figures: Sir Hercules Robinson, the High Commissioner[46]; Sir Robert Herbert, Permanent Under-Secretary at the Colonial Office[47]; and, John X Merriman, Commissioner of Crown Lands and Public Works in the Cape Government.[48] Basutoland's future clearly lay in Clarke's assessment of conditions.

Clarke had been offered the post in November 1883 and accepted on 2 December.[49] When he received his commission from the Colonial Office in late January 1884 he was instructed to depart for Cape Town, travel up to Basutoland, acquaint himself with conditions, then return to Cape Town via Bloemfontein where he could interview Sir John Brand,[50] President of the Orange Free State. Significantly, the remainder of his brief detailed proposed financial arrangements. Revenue would consist of local taxes and the Cape contribution of £20 000. Expenditure was not to exceed revenue and it would not be possible to attempt more than the protection of life and property as well as maintain order on the border. The Basotho were to be encouraged and assisted in establishing a system of internal self-government sufficiently stable to suppress crime and settle inter-tribal disputes.[51]

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45 Ibid. Also RM Cassidy, 'Britain and Basutoland', pp. 45-8.

46 CO 48/508, Minute to Herbert, 17 August 1883.

47 Merriman Papers, No 26/1883, Robinson to Merriman, 13 December 1883; and, ibid., No 203/1883, Robinson to Merriman, 25 October 1883.

48 P Lewsen, John X Merriman. Paradoxical South African Statesman, pp. 105-6.

49 CO 48/508, Colonial Office to Wood, 28 November 1883; and, Wood to Colonial Office, 2 December 1883.

50 Dictionary of South African Biography, I, 'Johannes Henricus Brand', MCE van Schoor, pp. 110-7.

51 CO 48/510, Original draft by Sir Hercules Robinson attached to correspondence between Derby and Law Officers, 2 January 1884. Also, C 3855, Correspondence re Basutoland, pp. 58-9, No 56, Colonial Office to Clarke, 25 January 1884.

The available revenue would probably be adequate to provide for the simple administrative system contemplated, dubbed by Benyon as "benign paternal rule".[52] However, matters such as education, public works and health would have to wait until revenue raised within Basutoland was sufficient to finance such undertakings. This arrangement was to be retained well into the next century.

Clarke and Lagden entered Maseru on 18 March 1884.[53] Two months later Robinson issued regulations under which Basutoland would be governed.[54] The resident commissioner was empowered and authorised to exercise jurisdiction, both civil and criminal. Apart from a few assistant commissioners, there would be an Inspector of the Basutoland Mounted Police (BMP). Within Basutoland, the Resident Commissioner would have "absolute jurisdiction".[55] Extensive powers were granted to the chiefs to adjudicate and try all cases not involving whites. This "partnership", in Lagden's view, was designed to give the chiefs an "intelligent interest in their own affairs".[56] All proceedings were to be held in open court and witnesses were to declare their evidence in the presence of the accused. Appeals were to be permitted and the Resident Commissioner would have full authority to review and correct the proceedings of all courts. Nevertheless, in practice, the Resident and Assistant Commissioners always involved prominent chiefs in such cases and were loath to handle cases by themselves. They sought to identify Imperial power and authority with traditional leadership. Initially, this was both necessary and expedient. The regulations were purposefully much less elaborate than the unpopular Cape Code and were

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52 Benyon, `Basutoland and the High Commission', p. 267.

53 Lagden Diary, 1884, 17 and 18 March.

54 Proclamations, Sir Hercules Robinson, 29 May 1884.

55 Sir G Lagden, The Basutos: the mountaineers and their country, p. 565.

56 Ibid. Also, C4263, Correspondence re Basutoland, p. 81, Clarke to Robinson, 14 June 1884, Clause 4.

a conscious attempt to avoid controversies involving commissioners in Basotho affairs.[57]

Judy Kimble's observations on the regulations merit attention.[58] She notes that they were "far less detailed and specific" than those of the Cape and "superficially" appeared to hand back large areas of government to the chiefs. "Yet", she states, "paradoxically, these regulations provided for more far-reaching intervention into the political apparatus of the pre-colonial state than those of the Cape". However,

> What [was] striking about these regulations [was] the virtually total absence of specification of how colonial administration was to work ... This did not arise from a lack of concern with the structural possibilities of the 1884 regulations, but rather from a deliberate tactic of asserting maximum powers in principle while leaving open maximum room for manoeuvre in practice.

This meant that the task of the British Commissioner was two fold: one, to manipulate dynastic politics and factional struggles amongst the chiefs to consolidate the central position of the Paramount whilst ensuring that he did not "forget from whom his real power derived"[59]; two, he had to develop the organisational means for selective intervention into the courts and the political hierarchy of the chieftainship. The opportunity for development on both fronts presented itself in the `placing' and land disputes. From the vantage point of the 1980's this is very clear, however, to Clarke and Lagden, it was a far more complex and confused situation. Their decisions were entirely pragmatic and designed for survival rather than for political manipulation.

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57 Benyon, `Basutoland and the High Commission', p. 629.

58 Kimble, `Migrant labour and colonial rule', pp. 204-6.

59 Basutoland Annual Report, [Hereafter BAR], 1898-9, p. 47, Quoted by Kimble, p. 206.

A hut tax of 10 shillings per annum was to be applicable for every hut erected for the occupation of a family.[60] It would be due for each wife whether she lived in a separate hut or not. It was also payable for every hut occupied by an unmarried man. Payment could be made in cash or grain or stock with the Resident Commissioner fixing the value of grain and stock payments.

Close control would be kept over traders with the sale of all spirituous liquors being prohibited. Any trader found guilty of such an offence was liable to forfeit his licence. Traders were also forbidden to keep more 200 animals whilst guns, pistols, powder and ammunition were forbidden unless specifically approved by the Resident Commissioner.

Thus, Imperial policy in Basutoland had very simple and modest objectives: preventing clashes and conflict along the Free State border and support for the traditional rulers within the country. The unwillingness of the British Government to contribute financially to the administration and welfare of Basutoland necessitated a cautious, modest and patient approach in governing a nation which had the military power to resist the forces which any white state in South Africa could muster against it.

It is important to stress the financial restrictions within which the Basutoland Administration operated. The instruction that expenditure should never exceed revenue was always maintained. This meant that, apart from the Cape contribution, the administration had no clear idea of revenue it could expect to raise. The hut tax depended not only on the cooperation of the chiefs, but also on the ability of the Basotho to pay. The vicissitudes of climate regularly decimated crops and resulted in poor harvests while regional economic depression and over-production and protective tariffs tended to depress prices in years of abundance.

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60 The regulations are included in Kimble, 'Migrant labour and colonial rule', as an appendix, pp. 475-6.

This meant that expenditure was always kept to a minimum and welfare services were generally budgeted for in supplementary estimates.[61] Hence, when in late 1884, Clarke realised that his revenue would adequately cover expenditure, he voted £1 000 to support educational work of the missionaries in accordance with pupil attendance at recognised schools.[62] It is pertinent to note that Colonial Office comments such as "expenditure considerably less than estimates"[63] and expenditure planned with "due regard to economy"[64] were typical. Especially in the initial years, all education, public works and health expenditure were provided for only in Supplementary Estimates. Further, there was no Imperial responsibility for finances. The Cape contribution was banked in the name of the High Commissioner. Lagden, as Accountant, was responsible for handling the revenue.

From the outset Clarke faced serious problems. Masopha maintained his defiance and rejection of the British Administration. He intervened in several disputes in attempts to expand his ascendancy over more Basotho at the expense of the ailing and ageing Letsie. In Leribe, the feud between the sons of the deceased Molapo, Jonathan and Joel, continued for supremacy and control over the Molapo estate. Jonathan, unpopular with many Basotho for his loyalty towards the Cape during the Gun War, found himself increasingly estranged and threatened.[65] So desperate was his position that he was actively contemplating, with Free State encouragement, taking refuge in the Free State to preserve his herds as his crops had been destroyed.[66] Joel, egged-on by Masopha, became very belligerent. Only the decisive action by Clarke, and great personal bravery by Lagden in riding between the warring factions,

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61 C 4263, Correspondence re Basutoland, pp. 71-2.

62 C 4589, Correspondence re Basutoland, pp. 111-2, Enclosure in No 8, Clarke to Robinson, 24 December 1884.

63 CO 417/7/20261, Note by Hemmings, 19 November 1885.

64 CO 417/10/12565, Note by Granville, undated.

65 BAR, 1884-5, p. 24.

66 Lagden, The Basutos, p. 567.

prevented a full-scale conflict from developing. Indeed, the presence of Lagden, Keenan, the local assistant commissioner, along with Lerotholi, heir of Letsie, had a "very settling effect" on the parties.[67]

Realising the vulnerability of Clarke's administration, Brand attempted to pressure the Imperial Government to take firm and decisive action to subdue the Basotho.[68] In similar vein, much of white opinion in the the Free State hoped, generally for personal reasons, that Britain would send a sizeable military force able to settle the "Sotho problem" once and for all. The Friend maintained a lively critique of British policy. It sarcastically referred to "Chief Justice Eaterup" and "Judge Assegai" as prominent chiefs and considered British policy in Basutoland to be "a farce and delusion" and to be "absurd except to the Gladstone intellect". It also asked "was there ever a State ... less respected?"[69] The Imperial Government remained adamantly opposed to force and hoped that the resurrected BMP of ten white officers and 130 Basotho would suffice to patrol the border and prevent widespread and unauthorised Basotho crossings into the OFS.[70] Imperial officials believed that the Free State should do likewise.[71]

The border issue can be regarded as the most important because it was from illicit canteens in the Free State that liquor was transported into Basutoland causing much drunkenness and debauchery amongst the chiefs which resulted in a breakdown of discipline and order. Whilst most chiefs appear to have been implicated, the First Annual Report

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67 Ibid., pp. 566-7. Also, BAR, 1884-5, p. 22.

68 C 4263, Correspondence re Basutoland, pp. 110-1, No 64 Brand to High Commissioner 15 July 1884, p. 91; and, No 81, 27 September 1884. Also, C 4389, Correspondence re Basutoland, Report of the Commission appointed on 16 May 1885 under Section 27 for considering the affairs and correspondence with reference to Basutoland - translation.

69 The Friend, 15 May, 10 July and 16 November 1884.

70 Lagden, The Basutos, p. 567.

71 CO 417/1/13325, Note by Herbert, 1 July 1884.

stated that "the majority of chiefs have become habitual drunkards". Lerotholi appears to have been the most blatant and persistent offender.[72] Associated with illicit drink was the theft of livestock. Clarke believed that "the root of the evil lay in the Orange Free State" but failed to persuade the Free State government to tackle the issue.[73]

Another potentially dangerous problem occurred in Quthing when Nqoebe (Nkwebe), the `placed ' son of Letsie, found himself being undermined by local chiefs. Clarke personally travelled to Quthing and publicly displayed his full support for Nqoebe and carefully defined his powers and rights.[74] More serious though was the murder of Chief Sepinare of the Thaba Nchu Barolong. The episode was fraught with emotion and excitement amongst the Free Staters. Clarke and Lagden soon appreciated the danger of unfounded rumours and the desire by elements of whites to effect a major confrontation with the Basotho.[75] Whilst Clarke suspected that most of the Basotho sympathised with Moroka, there was no evidence of direct or covert efforts to assist him. Further, the massing of Basotho along the border was a defensive rather than an offensive ploy.[76]

Another potentially dangerous situation arose at the end of 1884 when the Warren expedition travelled to Bechuanaland to restore British authority.[77] It appears that many Free Staters, intent on making mischief, were quick to spread rumours that the expedition was

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72 BAR, 1884-5, p. 25.

73 C 4263, pp. 111-2, Clarke to Robinson, 22 October 1884.

74 Lagden, The Basutos, p. 571; Benyon, `Basutoland and the High Commission', p. 627; and, BAR, 1884-5, p. 23.

75 The Friend, 31 July and 7 August 1884. Also, Lagden Diary, 1884, entries for 11 to 21 July 1884.

76 Ibid., 13 July 1884.

77 BAR, 1884-5, p. 23. Also, K Shillington, The colonisation of the Southern Tswana, 1870-1900, pp. 170-4.

eventually destined for Basutoland.[78] However, such was not the case because Imperial officials were convinced that military action against the Basotho, unless on a very large and expensive scale, would unite them behind Masopha and complicate matters further and inevitably lead to massive expenditure.[79]

Whilst official reports emphasised the threatening behaviour and attitude of Masopha as implicated in the death of Napo, fourth son of Majara Moshoeshoe,[80] and the extreme reluctance of Letsie to tackle the issue, it is important to realize that reports of the "eating-up" of wealthy individuals by chiefs, the "wholesale plunder" reported by the assistant commissioners, "tyrannical" behaviour of the chiefs towards traders and the frequent dealings with illicit European traders[81], clearly indicated that most chiefs chose to ignore the British administration unless it suited their purposes.

Relations with the Free State were particularly strained because, on the one hand, they believed that Britain should adopt a far tougher approach towards the Basotho so as to gain greater supremacy. Imperial officials were adamant that they were doing their utmost with the limited resources at their disposal whilst the Free State was making no attempt to assert control on its side of the border and was, in fact, undermining British efforts.[82] Hence the Free State did not employ any extra border police, continued to recognise passes issued by Basotho chiefs and allowed arrested Free State subjects to be acquitted

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78 BAR, 1884-5, p. 23.

79 CO 417/2/22246, Fairfield to Bramston, 31 December 1884. Also, ibid., Note by Herbert, 5 January 1885; and, Derby, 6 January 1885.

80 BAR, 1884-5, p. 23; and, Lagden, The Basutos, p. 571.

81 BAR, 1884-5, p. 25.

82 CO 417/1/13325, Note by Herbert, 1 July 1884; ibid., 4/2423, Note by Herbert 13 February 1885 and Antrobus, 14 February 1885; and, C 4263, pp. 112-3, No 84, Derby to Robinson, 16 December, 1884.

in court.[83] Especially in the Colonial Office, there was a very strong belief that many of Clarke's problems were caused not by lawless Basotho but by the unresponsive and unreasonable attitude of the Free State government.[84]

In an article originally published in the Cape Illustrated Magazine, November 1891, President FW Reitz[85], Brand's successor, outlined his and Free State views on "native policy". A brief note on this article will show why British policy in Basutoland was complete anathema to so many Free Staters.

Reitz listed the following objectives as being worthy of a "civilized" South African "native policy":

1. To get rid of the Tribal system, as being an imperium in imperio of a most pernicious kind.
2. To abolish chieftainships.
3. To apply to all men alike irrespective of colour and race the rule - `By the sweat of thy brow thou shalt earn they bread', and with a view to this end break up all the locations great and small.
4. To suppress by law all such heathen rites as are undoubtedly and flagrantly immoral and degrading.
5. To discourage polygamy, and the buying and selling of women which it involves.

Later, when discussing these points Basutoland was frequently mentioned. In short, Reitz opposed all of the major policies of the British in Basutoland.

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83 Lagden, The Basutos, p. 567. Also, CO 879/308, p. 3, `Basutoland in 1885', G Baden-Powell.

84 CO 417/5/11908, Note by Fairfield, 8 July 1885; and, ibid., 6/13536, Note by Hemmings, 3 August 1885.

85 The article has been reprinted in Natalia, 2, 1972, pp. 10-14.

In his first Annual Report (June 1885), Clarke felt that he had made no progress in gaining support for his administration from the Basotho chiefs and had, as noted, failed to win the active support of the Free State. He was also unable to offer protection to those who sought it. He believed it essential that the Imperial Government should reassess its position and come to a decision on the future of Basutoland as the temporary nature of Imperial rule was prejudicial to his efforts.[86]

Whilst there was ample evidence to support Clarke's pessimism, it must be acknowledged that his fragile administration still remained intact. It had not been physically challenged or threatened. It had not provoked a united and widespread opposition, and it continued to be regularly consulted by some leading Basotho, notably Letsie, Lerotholi, and Jonathan.

The situation was shrewdly analysed by George Baden-Powell in June 1885.[87] His report, remarkably similar to Clarke's Annual Report, stressed the prevalence of drink and the "despair of the missionaries at the new backsliding of the natives" as well as the ruin of the traders, and castigated both the Free State and the Basotho chiefs. He reckoned that there could be no maintenance of the status quo nor could there be any abandonment. Hence,

> the choice of means to this end lies apparently between a sudden overwhelming display of force and a persistent application of some definite scheme of gradual reform.[88]

As 6 000 troops would be required for a military solution, Baden-Powell argued that Imperial policy should be to "bring the people to see that there was another and stronger authority in the land than the Chiefs".[89] He also believed that a policy of gradual reform would be

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86 BAR, 1884-5, p. 26. Also, Lagden, The Basutos, p. 573.

87 CO 879/308, `Basutoland in 1885'.

88 Ibid., p. 5.

89 Ibid., p. 6.

strengthened by the creation of an advisory council of Basotho chiefs, an enlarged police force and the conclusion of an extradition treaty with the Free State. Both Hemmings and Herbert, in the Colonial Office, were to adopt similar viewpoints.[90]

Up to this stage, the Colonial Office had considered the administration of Basutoland to be purely temporary. Derby, the Colonial Secretary, had informed the Colonial Office that he did not want to confirm appointments in "Zululand", though he clearly meant Basutoland, because he did not wish to pay compensation in the event of a British withdrawal.[91] All appointments, with the exception of Clarke's were to be merely provisional because "With a very uncertain revenue, it may become necessary at any moment, to cut our costs".[92]

From this pessimistic situation, there was a slow but perceptible improvement in Basutoland. This was clearly evident in the Second Annual Report when Clarke noted the "marked improvement in social and political conditions". Further, he believed that his "influence ... [was] gradually increasing ... [even if the] rudiments only of law and order have been established".[93] Some chiefs were complying with the ban on brandy drinking and there were no known canteens in the whole country.[94] Other positive points were the successful meeting of the first National Pitso; a fairly satisfactory increase in revenue which enabled Clarke to reduce the Cape contribution to £18 000 per annum[95]; and, an increase in the police force to over 200. Indeed, as

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90 CO 417/7/1077, Note by Hemmings of 25 January 1885; and, ibid., 10/2699, Note by Herbert, 17 February 1885.

91 CO 417/1/9777, Comment by Derby, 25 June 1884.

92 Ibid., Note by Herbert, 16 June 1884.

93 BAR, 1885-6, p. 16; and, Lagden, The Basutos, p. 574.

94 BAR, 1885-6, p. 16.

95 Ibid., p. 17. The reduction of the Cape Contribution was not noted in either the 1886 or 1887 reports. See CO 417/11/21237. Clarke to Robinson, 15 July 1886.

Lagden later noted, there was a "brighter prospect ... a measure of progress".[96]

Clarke was able, owing to the "persevering qualities"[97] of his administration, to note that there was "less disposition" to take up arms, a greater willingness to be guided and a "display of moral strength in the renunciation of brandy which demonstrate[d] the material capacity of the Basuto as a nation".[98] His concluding remarks in "having reason to be content with the progress made" and the leaving of "development of a higher state of things" to the future, and patient dealing, probably ensured the maintenance and permanence of British rule in Basutoland[99], though no one in the Colonial Office was prepared to say so. Even in January 1886, Herbert considered it "safe" not to say anything about the permanence of British rule but the new Colonial Secretary, Stanley, was prepared to announce that "Her Majesty's Government contemplated no change in their relations with Basutoland".[100]

Nevertheless, there was still much uncertainty regarding British authority and power in Basutoland. Masopha was twice implicated in serious inter clan disputes whilst in March 1886[101] there was a serious fracas with the Free State farmers over alleged cattle trespassing between the Caledon and Cornet Spruit.[102] Apart from the need to delineate the boundary, the incident was probably linked to

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96 Lagden, The Basutos, p. 574.

97 Benyon, `Basutoland and the High Commission', p. 629.

98 BAR, 1885-6, p. 18.

99 Ibid.

100 CO 417/10/2699, Notes by Herbert and Stanley, 27 June 1886.

101 BAR, 1885-6, p. 16.

102 Ibid., p. 17. Also, C 4907, pp. 33-5, Enclosure 2 in No 12, Report of the Commission appointed to delineate and survey the boundary between the Orange Free State and Basutoland from the Caledon River to the Cornet Spruit.

illicit canteens in the area. Nevertheless, Fairfield was satisfied with the improved conditions.[103]

The gradual improvement was maintained into 1887 and Clarke was able to report greater support, a further decline in the smuggling of drink and the holding of another successful pitso.[104] Indeed, Letsie had requested that the Resident Commissioner play a more prominent role.[105] Unfortunately, Masopha's disputes with Leshoboro and Peete had flared up again and caused the Jubilee celebration to be cancelled.[106] Also, there was the tendency for young chiefs to attempt to assert their supremacy over their elders.[107] However, despite the continued improvement, the Colonial Office rejected the idea of a Basutoland pension scheme.[108]

Basutoland's transformation was credited by Fairfield to Clarke's efforts and example. He reported that Clarke had broken the back of "lawlessness ... by extraordinary patience and good sense"[109], whilst Herbert believed him to be "one of the most valuable officers in the Queen's service, a plain unaffected man of great courage and steady temper who natives trust intuitively as soon as they come into contact with him".[110] Lagden considered that the High Commissioner deserved praise:

Whatever success is attributed to [this] period must be associated

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103 For Colonial Office reaction to the report, see CO 417/11/15758.

104 BAR, 1886-7, p. 3.

105 CO 417/13/3043.

106 CO 417/15/13888, Clarke to Robinson, 15 June 1887.

107 BAR, 1886-7, p. 5.

108 CO 417/15/1382, `Pensions', Fairfield favoured the creation of a pension fund but was over-ruled by Herbert and the Colonial Secretary.

109 CO 417/11/15758, Fairfield to Bramston, 1 September 1886.

110 Ibid., Note by Herbert, 2 September 1886.

> with the name of Sir Hercules Robinson who appreciated the human side of the question, gave his agents a free hand, trusted them and then backed his own judgement against the odds.[111]

Between 1887 and 1892 there were three main changes amongst the leading personalities who influenced over Basotho affairs. First, there was the death of Sir John Brand who was succeeded by FW Reitz as President of the Orange Free State. Despite his opposition to, and criticism of, British rule in Basutoland, British officials were very generous in their praises for him. Lagden noted that:

> from the date of annexation, all were assured of [Brand's] sincere sympathy with the great object of restoring peace and order amongst the Basuto, to whom he was always a kind friend.[112]

These sentiments were echoed by the Colonial Office. Secondly, in May 1889, the High Commissioner, Sir Hercules Robinson returned to London, and from December 1889, was replaced by Sir Henry Loch.[113] Thirdly, and most significantly for this study, was the death of Letsie, the Paramount Chief, in November 1891. He was replaced by Lerotholi.

During this period there was a noticeable lessening of tension and strife amongst the Basotho clans. This is probably explained by the regained prosperity of the Basotho as well as the growing strength and authority of Clarke's Administration.[114] However, apart from the recurring clashes between followers of certain chiefs, there were less violent and more subtle attempts by the chiefs to consolidate and increase their power and wealth. This was evidenced by complaints of "eating-up" of wealthy individuals by their chiefs, the utilization of increased areas of land by chiefs for their personal use, and the abuse

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111 Lagden, The Basutos, p. 564.

112 Ibid., p. 577.

113 Dictionary of South African Biography, I, 'Henry Brougham Loch', NG Garson, pp. 476-7.

114 This is clearly revealed in the BAR.

of the judicial system by the imposition of heavy fines by chiefs for minor offences who then received the proceeds of the imposed fines.[115] All of these tendencies were ignored by the British, except in cases of gross abuse. It was, obviously, one means of ensuring the continued support of the leading traditional rulers.

A major concern to both Clarke and the Colonial Office was the succession problem that would have to be faced after the death of Letsie. As he became increasingly immobile and unable to perform his normal functions as Paramount Chief, his grip and control over the Basotho, never as effective as that of Moshoeshoe, weakened to such an extent that Clarke publicly exhorted Lerotholi to assume his father's duties.[116] Letsie's failing health, along with Clarke's championing of Lerotholi's claims, reacted strongly on Maama[117], a younger son of Letsie, and a potential rival for the paramountcy.

Lerotholi's problems, upon becoming paramount, were clearly understood by Lagden. Being the son of second wife, he was "not altogether the legitimate heir", but Moetsweni, eldest son of the first wife, was never seriously regarded as the real heir because of his "childish ... taint". However, as Letsie grew old and decrepit and seldom moved further than from his hut to his lekhotla (court), Moetsweni's pretensions were encouraged by Lerotholi's enemies for their own purposes.[118] Other younger sons also took advantage of Letsie and claimed that they had received grants of land and authority. Only in October 1891, shortly before Letsie's death, did Lerotholi begin to assert himself and thereby incur the enmity of his younger brothers and the animosity of Masopha. The leading antagonist was Maama Letsie whose youth had been characterised "by excesses and questionable exploits"

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115 BAR, 1888-9, p. 4, para. 4. Also, ibid., 1889-90, p. 2 para. 4; and, ibid., 1890-1, pp. 4-5, para. 8. Also, CO 417/34/24195, `Pitso notes', 24 October 1889.

116 CO 417/66/23172, `Pitso notes', 22 October 1891.

117 BAR, 1891-2, p. 4.

118 Lagden, The Basutos, pp. 582-4.

and who was regarded by the Administration as a "prodigal son" who committed unauthorised acts in his father's name.[119]

Colonial Office fears of a disputed succession appear, in retrospect, to have been exaggerated. However, Clarke's strong support for Lerotholi, and his pressure on Jonathan Molapo and Masopha, to proclaim publicly, their support for Lerotholi, probably did as much for an undisputed succession as the support of his younger brothers, Bereng (who regularly clashed with Maama) and Theko, as well as Lerotholi's own sons and senior Basotho councillors throughout the country.[120]

Closely linked with Letsie's ailing strength, was the proposed consultative council. The origins of this can be traced back to 1883 when Sauer, Cape Minister of Native Affairs, had visited Basutoland. It had also been recommended by George Baden-Powell in 1885. During 1889, Letsie, along with other chiefs, had forwarded a petition to Clarke for the establishment of a Council in Basutoland which would be consultative only but would provide an opportunity for Basotho to indicate their wishes and offer advice on domestic matters.[121]

Loch approved the petition but warned that it was a "gift of a tentative and experimental nature".[122] Clarke and Lagden left the matter to the Basotho and it became apparent that whilst commoners favoured the council, most chiefs were opposed to it because it might oppose and restrict their activities and interests.[123] The death of Letsie ensured that, for the time being, no consultative body would be created by the administration.

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119 Ibid., p. 585.

120 Apart from Lagden, The Basutos, pp. 582-4; CO 417/66/23172; CO 417/67/23990 and 24443; and, CO 417/68/187 and 188, all reflect the Colonial Office's deep concern.

121 CO 879/308, 'Basutoland in 1885, June', Memorandum by G Baden-Powell, p. 7, para. 13; and, BAR, 1889-90, p. 2, para. 3.

122 BAR, 1889-90, p. 2, para. 3.

123 BAR, 1890-1, p. 4, para. 7.

Basutoland's relations with the Orange Free State were considerably more relaxed and free of trauma than previously. However, it is possible to see that while the trend towards normalisation was strong, Free State cooperation over border matters was remarkably one-sided. The signing of an Extraditional Treaty in 1887 was a major step as it permitted the mutual surrender of criminals and compelled witnesses to attend foreign courts.[124] The uncertainty of the position of the border between the Caledon River and Cornet Spruit was removed by the demarcation of the border. However, the refusal of the Volksraad to jointly finance the border fence caused the farmers concerned to enter into private negotiations on the matter with Basutoland.[125] Another significant development was the erection of the telegraph line from Ladybrand to Maseru. This project, jointly financed, was completed in June 1892 and provided Basutoland with direct telegraphic links with Cape Town.[126]

The reduction of tribal and faction fights within Basutoland, and more systematic foot and horse patrols by the BMP ensured that there was less opportunity for the Free State to criticise British rule of Basutoland. The constant struggle to counter attempts to smuggle liquor from illicit canteens sited in the Free State was generally successful but the numerous occasions when chiefs, and especially Lerotholi[127], were incapacitated by drink, showed that the trade continued to exist especially around Mafeteng, Lerotholi's district. In 1890/1, there were 58 court cases concerning liquor smuggling and 84 convictions in

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124 Basutoland. High Commissioner's Proclamations and Notices to June 30, 1909, Extradition Convention, Robinson and Brand, 7 September 1887. Also, BAR, 1887, p. 5; and, CO 417/15/20549, `Extradition treaty'.

125 BAR, 1887, p. 5; and, ibid., p. 4, paras. 7-8.

126 Ibid., p. 6, para. 14; and, ibid., 1891-2, p. 5, para. 10. Also, CO 417/53/12118, `Telegraph from Lady Brand to Maseru', 23 May 1891.

127 BAR, 1890-1, p. 3, para. 7.

1891/2. The presumed source of the spirits was Wepener.[128]

When Imperial rule returned to Basutoland in 1883/4, Britain had insisted that she would not contribute financially to the administration of the territory. This meant that the nature and extent of the role of government would depend, apart from the Cape contribution, on the crops harvested by Basutoland farmers and wages earned by its migrant labourers at the various mining and railway centres in South Africa.[129] As favourable conditions prevailed between 1887 and 1890, Basutoland enjoyed renewed prosperity and the Administration raised adequate funds to finance public works and services. It must, however, be reiterated that revenue was continually underestimated and estimated expenditure deliberately kept to a minimum in case the anticipated revenue, for whatever reason, failed to materialise.[130] Consequently, surplus funds were always channelled into short-term and limited schemes, a fact that partially explains the failure of British rule to develop large scale long-term schemes utilising the country's scarce resources.

Favourable harvests and rising wages enabled the Basotho to earn adequate cash to pay taxes (current and arrear) but also to purchase extra luxury goods and foods. As a result, the value of imports rose from £120 000 in 1888/9 to over £250 000 in 1890/1.[131] Similarly, there was an increase in traders from 79 to 119 and yields from the hut tax rose significantly from £10 483 in 1887/8 to £19 611 in 1890/1. However, with a poor agricultural season in 1890/1, a reduced demand

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128 Figures from BAR.

129 CO 417/31/11721, Wingfield to Bramston, 25 June 1889; CO 417/32/18017, 'Balance Sheets', 13 September 1889; and, CO 417/21/13233, 'General Boom in South Africa', July 1888.

130 CO 417/31/11722, Wingfield to Bramston, 25 June 1889: "the expected deficit ... is merely nominal ... the revenue is much underestimated".

131 Figures from BAR.

for labour and the imposition of a tariff on Basutoland grain by the Transvaal, the value and volume of trade was checked in 1891/2 and caused the Colonial Office to caution against the previous, almost euphoric, views on Basutoland's prosperity.[132]

As a result of the increased prosperity, the Administration channelled surplus funds into public works, health services and education. Amongst the works tackled were the purchase of ferryboats to carry goods across the Caledon at Maseru; the construction of a major road from Quthing to Ongeluks Nek on to East Griqualand, as well as routine work on existing roads; the building of quarters and stables for European and African staff in Maseru, Quthing and Leribe; the purchase of a courtroom in Maseru with additional rooms being used as a school for European children, and a museum with reading and writing facilities for the Basotho. Also a hospital was erected in Maseru. Originating in Maseru, but being extended to Mafeteng, Mohale's Hoek and other stations, was a system of hospitals and clinics whereby medical services were provided, initially free of charge, on a full or part-time basis.[133] This service enjoyed increasing popularity with the Basotho and resulted in an effective check on diseases and epidemics such as smallpox, measles and dysentery, to which the Basotho often succumbed.

The Paris Evangelical Missionary Society (PEMS) continued to dominate education in Basutoland and was always ready to praise British efforts in the country in order to solicit additional funds.[134] Missions continued to be awarded funds in accordance with the number of pupils

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132 CO 417/42/11411, Wingfield to Bramston, 25 June 1890: "I think the time has come for a little caution ... B [sic] may not always be prosperous and the estimated charges are running up".

133 Details from BAR. Initially, in 1884, there was one medical officer but, as funds became available, additional officers were employed.

134 CO 417/20/9000, Paris Evangelical Mission, Paris, to Clarke, 29 February 1888. Also, C 5897, Report by Sir HB Loch on his visit to Basutoland in April 1890, Enclosures 3 and 4.

they instructed as a percentage of the country's total number of scholars. Consequently, the PEMS received £3 065 in 1891 because of the extensive network of schools. Of particular importance was the printing press at Morija and the teacher training institute. Also regarded as especially important were the industrial school for boys at Quthing and at Thaba Bosigo for girls. Amongst the skills taught to the boys were printing (Morija did all the Administration's printing), stone cutting, carpentry, building and tailing, whilst the girls were instructed in sewing, knitting and cooking.

The Roman Catholics, based primarily at Roma, where they founded an industrial school, received £430. Of particular interest was the school under the auspices of Chief Seiso Letsie which received £94. Further, fourteen Basotho boys were financed by the Administration to receive industrial training at the Trappist Institute in Natal and Lovedale in the Cape. By 1891, Basutoland had 113 schools with a nominal roll of 6 442 pupils and an average attendance of 4 225.[135] Following a Colonial Office suggestion, the Administration invited the Cape to carry-out regular inspections of schools in Basutoland.[136]

During this period, several other points of interest and importance arose. Not surprisingly, Clarke rejected an approach made by the Colonial Office, on behalf of the British ambassador in Brussels, to recruit Basotho as labourers for the Congo.[137] Also, following his own instincts and the express wishes of the chiefs, Clarke refused to allow any prospecting to take place within Basutoland. Finally, the issue of pensions was settled by Lord Knutsford in 1890 when he

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135 BAR, 1889-90 and 1890-1. Both include a separate education report.

136 CO 417/33/19475, Enclosure, Langham Dale, Superintendent, General Education, Cape, to High Commissioner, 30 August 1889; and, BAR, 1891-2, pp. 6-8.

137 CO 417/22/18260, Resident Commissioner to High Commissioner, 22 August 1888.

eventually approved pensions for both European officials and long serving Basotho policemen.[138]

In 1890/1, three important occurrences took place. First, there was a census. The previous one had been held in 1875. It revealed that the population had increased quite dramatically from 127 707 in 1875 to 218 902 in 1891.[139] Whatever reservations one might have over these figures, they were probably less inaccurate than any to date for Basutoland. The second important event was the entry of Basutoland, on 1 July 1891, into the South African Customs Union.[140] This meant that imports from abroad were taxed in Cape Town whilst colonial produce and manufactures could enter Basutoland tax free. The revenue from such imports was to be kept by the Cape in return for its contribution of £18 000 per annum to the Basutoland revenue account. In the event of such dues exceeding £18 000, the balance would be sent to Basutoland. A variety of factors caused the initial yield to be disappointing: entry into the Union coincided with a trade depression in 1891/2; it was also a poor agricultural season, and traders had considerable stocks on hand at the time of entry.[141] However, it is pertinent to note, as many Cape politicians often did not, that the Cape contribution was considerably less than £18 000 after 1891.

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138 CO 417/39/2578, Knutsford to High Commissioner, 17 March 1890; and, ibid., 11408, Resident Commissioner to High Commissioner, 6 May 1890.

139 BAR, 1890-1, p. 6, para. 16. Also, CO 417/59/12971, `Census', 27 May 1891.

	MALE	FEMALE	TOTAL
Aboriginal natives	105 102	113 042	218 144
Coloured	103	77	180
Whites	343	235	578
	105 548	113 354	218 902

140 CO 417/46/18493, Governor to Ministers, 29 May 1890; BAR, 1890-1, p. 5, para. 12; and, ibid., 1891-2, p. 5, para. 8.

141 BAR, 1891-2, p. 5, para. 8.

Thirdly, in April 1891, Sir Henry Loch, the new High Commissioner, travelled up to Basutoland to familiarise himself with conditions.[142] Met by 12 000 mounted and armed Basotho, he found the situation "astonishing" between the passive rebellion and civil war of 1884 to the most enthusiastic reception he received. Letsie's address to Loch highlighted the Basotho fear of further land losses to foreigners and pleaded for a retention of British protection. In reply, Loch stressed his support for Clarke, the need to live in friendship with the Cape and to speak freely with each other.

Later, after being prompted by Clarke, Loch reminded the chiefs that they only received the Queen's authority whilst discharging their duties with loyalty and justice. Also, he reiterated the need to prevent intoxicating liquors from being smuggled into the country and the Queen's insistence on her ruling over a united Basotho nation. In reply to Loch's report, Knutsford appears to have taken a great and genuine satisfaction in that Loch was so "unreservedly" able to add his testimony to the great improvement in Basutoland, and to compliment Clarke, to whom he believed the Basotho people were "permanently indebted for an administration of almost unparalleled success".[143]

A final point which requires consideration was the demand by the Reverend John Mackenzie of Bechuanaland that the office of High Commissionership in Cape Town be separated from that of Governor of the Cape because the High Commissioner was unduly influenced by the Cape Ministers.[144] Robinson, who disliked Mackenzie personally, dismissed the idea and counter-argued that the High Commissioner actually benefited by being the Governor of the Cape. This incident, in 1888, which allowed Mackenzie's plans to die a natural death, goes some way,

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[142] C 5897, Report by Sir H B Loch, contains a full report.

[143] Ibid., enclosure No 3, Knutsford to Loch, 13 June 1890.

[144] CO 417/21/13230, 'High Commissionership', June 1888. Also, Benyon, 'Basutoland and the High Commission', p. 632.

in the absence of any publicly stated policy, to confirm the view that British officials, in Cape Town and London, were well satisfied with the state of affairs prevailing in Basutoland and were perfectly content with their achievements.

Lagden's Role in Basutoland, 1884-1892.

Several days after Lagden arrived in Cape Town, he was formally offered a post, subject to the High Commissioner's approval. The post was to be a temporary one. Initially, he was to be Secretary to the Resident Commissioner and would receive a salary of £1 a day from 8 March 1884.[145] However, on 10 June, presumably because he now had to perform the duties of "Accountant" as well as Secretary, his salary was increased to £400 per annum.[146] Later, the lack of manpower and Clarke's frequent absence from Maseru, necessitated Lagden being appointed an Assistant Commissioner without additional pay.[147]

Lagden's colonial career was saved because of the decision to give Clarke "more or less discretion" in the appointment of staff, but as Wingfield noted: "we should not be in a hurry to confirm Mr Lagden after his escapade on the West Coast".[148] However, Lagden's appointment failed to produce any Colonial Office comment apart from "note receipt".[149]

Diary entries for this period clearly reveal Lagden's full involvement in the everyday business of the colony, both in handling clerical matters along with work in the districts. There were no major take over

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145 Lagden Papers, Mss Afr S, 209/1/1, Clarke to Lagden, 8 March 1884.

146 Ibid., 10 June 1884.

147 Ibid., 1 September 1884.

148 CO 417/1/9777, Wingfield to Bramston, 13 June 1884.

149 CO 417/2/18372, Remark on Robinson to Derby, 8 October 1884.

problems for Clarke because, not only did he receive the full cooperation of the Cape officials but many became temporary employees of the British administration.[150]

Even though the Administration faced serious problems from the outset with the struggle in Leribe, Masopha's defiance, and protests of Brand[151], Lagden appears to have been remarkably calm, clear-headed and positive about his position even though he was well aware that Clarke had serious doubts about the future.[152] Of considerable physical energy and industry, he was a man who liked to be actively involved in administration.

Lagden was closely engaged in showing the Basotho the face and presence of the new regime. He visited Thlotsi Heights, patrolled the Caledon Valley and visited Matsieng, home of Letsie, the Paramount Chief.[153] He certainly had the opportunity to obtain first-hand knowledge of conditions. He found himself received with respect by the Basotho and friendliness by many of the border farmers whose conversations with Lagden contrasted considerably with the warnings and comments of Brand.[154]

Despite his initial uneasiness, Clarke felt confident enough at the end of April to leave Basutoland for almost a month to visit Brand in Bloemfontein and Robinson in Cape Town.[155] During his absence, Lagden was effectively responsible for the colony and had to tackle various

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150 CO 48/509/7181, High Commissioner to Derby, 8 April 1884.

151 BAR, 1884-5, pp. 22-3.

152 Lagden Diary, 1884, 25 March; and, 10 April.

153 Ibid., 19-29 March.

154 C 4263, p. 91, no 64, President, Bloemfontein, to Robinson, 15 July 1884; pp. 100-1, no 69, Brand to Clarke, 22 July 1884; and, pp. 110-11, Enclosure 1 in no 81.

155 Lagden Diary, 1884, 30 April, Clarke was absent for 3 weeks.

disputes amongst the Basotho. On a personal level, he began to learn Sesuto, whilst for the benefit of all Maseru, he "opened" several springs. Cordial relations with the French missionaries, such as Casalis, Dyke and Mabillé continued.[156] Indeed, Lagden managed to handle Basutoland without mishap during Clarke's absence.

Much of June was spent in receiving and visiting various chiefs, though understandably Letsie got much attention from Clarke and Lagden. Matthew Blyth, the Cape Agent had serious reservations about Letsie[157] and it would appear that Clarke and Lagden were anxious to form their own opinion on the matter. Clarke concluded, like Blyth, that Letsie was very adept in professing cooperation but displaying great reluctance to put his words into action.[158]

The outbreak of trouble in Thaba Nchu, after the killing of Sepinare by Samuel Moroka[159] presented a most serious threat to the Administration and made a deep impression on Lagden. On the one hand, the Free State Government reacted with great emotion and excitement and seemed determined to use the event to force the British Government to take military action against the Basotho, whilst those Basotho in Basutoland, whom Clarke believed not to be implicated in the plot, feared unprovoked attacks from Free State commandos. Clarke and Lagden, reckoning that trouble would be initiated by the Free State, raced to Thaba Nchu and held serious talks with its Executive and attempted to allay fears of an uprising and calm down the "hotheads" who were bent on destroying the Basotho once and for all.[160] Lagden firmly believed

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156 Ibid., entries for May.

157 C 4263, Blyth to Under-Secretary, Native Affairs, 18 January 1884, enclosure in No 11 pp. 11-12.

158 This is evident from C4589, Correspondence re. Basutoland, Robinson to Derby, 21 January 1885, p. 11.

159 The Friend, 18 June 1884; BAR, 1884-5, p. 23.

160 Lagden Diary, 1884, 18-21 July.

that much of the fear and unrest experienced by whites when dealing with Africans was caused by those who personally sought to profit from military campaigns against such Africans. Recent research by Janet Wales has confirmed this. She has concluded that Samuel was aided and abetted by eleven white farmers whose motives were "completely self-interested". They hoped to acquire as much property as possible, i.e., sheep, cattle and horses, as well as land. Further, the leading white, one Pretorius, had a strong personal hatred for Sepinare.[161]

With the exception of the illicit sale of liquor by Free Staters and energetic attempts by both Lagden and Clarke to suppress it, occasionally with Basotho cooperation[162], much of the second half of 1884 appeared, somewhat superficially, to be more settled than earlier on. During this time, rather unsuccessful attempts were made to collect the hut tax from those chiefs deemed best disposed towards the Administration, i.e., Letsie, Maama and Bereng.[163] The disappointing yield should not be seen only as a sign of limited cooperation but also of genuine hardship experienced during a period of depression in much of South Africa[164] as well as economic dislocation in Basutoland. One important point which requires emphasis is that Letsie, in spite of limited cooperation, received £141/7/-, approximately one tenth of the yield[165] in the Thaba Bosigo district.

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161 J Wales, `The relationship between the Orange Free State and the Rolong of Thaba 'Nchu during the Presidency of JH Brand, 1864-1888, Archives Yearbook, 1985, 1, pp. 272-84. Also, see RL Watson, `The subjugation of South African State: Thaba 'Nchu 1880-84', Journal of African History, 21, 1980, pp. 357-73; and, CO 417/7/19432, Note by Hemmings, 6 November 1885.

162 Lagden Diary, 1884, 13 May; 10 June; 15 August; 30 October.

163 Ibid., August.

164 BAR, 1884-5, p. 71. £4 497 was collected but it had been hoped to collect £11 000.

165 Lagden Diary, 1884, 29 October.

Derby, advised the cabinet to maintain present policy.[170] The failure of the Imperial Government to take any decisive action meant that Clarke and his staff had to continue their policy of tact, diplomacy and patience, especially at this stage, towards Lerotholi who was frequently drunk.[171] Undaunted by the uneasy situation, Clarke and Lagden personally travelled to Thaba Bosigo to visit Masopha, then on to Leribe to speak to both Jonathan and Joel in a brave attempt to reduce tension.[172] All three received Clarke and Lagden politely but remained non-committal.

Despite the rumours, no dramatic events ensued and it was possible for Letsie to convene a pitso. The persevering efforts and the absence of military intervention tended to have a calming influence on increasing numbers of Basotho. Certainly Nehemiah Moshoeshoe indicated his acceptance of Clarke.[173] Also, Letsie's suggestion to Clarke, which was politely declined, that an officer should be sent to Masopha to collect tax, indicates that his policy was beginning to pay dividends.[174] Indeed, increased tax yields gave Letsie a further £202.[175]

By the end of June 1885, as indicated in the Baden-Powell report and Colonial Office files, there was no possibility of using force against the Basotho, abandonment was also out of the question and that patience and forbearance were to be the order of the day. On a personal note, Lagden had been promised a salary increase to £500 per annum and had

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170 Ibid., 'Affairs in Basutoland', Derby, February 1885.

171 There are many references in Lagden's Diaries to this.

172 Lagden Diary, 1885, 25 January; 4 February; and, 10 February.

173 Ibid., 26 March.

174 BAR, 1884-5, p. 23.

175 Lagden Diary, 1885, 1 July.

Beneath the apparent calm, Basotho fears of the possible use of military force by Britain began to grow when Warren's forces were assembled in the Cape for use in Bechuanaland. Masopha particularly suspected that the expedition would ultimately be used against him. Clarke reckoned that border farmers were behind the rumours.[166] However, from Lagden's papers, it must be acknowledged that some consideration was given in Cape Town and the Colonial Office to using such force.[167] On 14 December, officials in Maseru, after receiving what Lagden described as "insulting messages" from Masopha, realised that they were in a serious crisis, especially when similar messages were received on the 20th. As a result, immediately after Christmas, Clarke and Lagden travelled to Matsieng to confer with Letsie.[168]

The first week of January saw the phobia of a general Basotho uprising reach a crescendo with a plethora of reports of an impending attack on Maseru. The "wild reports" caused "great uneasiness" and led Lagden to express his fears in writing.[169] The manner in which the letter was used by Clarke suggests that he was behind the idea. Lagden reasoned that the object of the chiefs was "to retain all authority" and that they would "brook no Government interference" and that the time was rapidly coming when the Imperial Government would be forced to decide whether it should "assert its supremacy by force or hand the country over, the ruin threatening both internally and externally".

Guided principally by financial considerations, the Colonial Secretary,

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166 BAR, 1884-5, p. 23.

167 Lagden Papers, Mss Afr S 210/2/1, Smyth to Clarke, 2 February 1885. Also, CO 417/4/2423, 'Affairs in Basutoland', Note by Herbert, 13 December 1884; and, CO 417/2/22246, Fairfield to Bramston, 31 December 1884.

168 Lagden Diary, 1885, 4 and 7 January. Also, BAR, 1884-5, p. 23, para. 8.

169 CO 417/4/2423, Lagden to Clarke, 6 January 1885.

received favourable mention by Fairfield.[176] He had also commenced negotiations with the Bousfields over his intended engagement to their daughter, Frances.[177]

Inter clan squabbles continued to occur and Lagden was actively involved in investigating the alleged murder of three men for witchcraft on Masopha's orders as well as settling boundary disputes between Lerotholi and Ramanella.[178] Another irritant was the clash between Lepoquo, a son of Masopha, and Peete, son of Ramanella. Masopha was widely believed to be behind much of this trouble. Clarke did not consider such matters to be the concern of the Resident Commissioner. Rather they needed to be tackled by Letsie and the Basotho. Letsie thereupon convened a pitso to handle Masopha but invited Clarke and Lagden to attend. Clarke's attendance no doubt fortified Letsie and his supporters. Letsie carried the necessary support to make Masopha, however reluctantly, accept his judgement of maintaining Peete as a chief but under the protection of Masopha.[179] Much to Lagden's relief, his visit to Masopha at Thaba Bosigo, went off "satisfactorily" and, in contrast to the previous year, the Administration could relax and enjoy the Christmas and New Year festivities.

Early in 1886 several of the leading chiefs, including Lerotholi and Jonathan, visited Maseru to hold talks. Towards the end of the January, Clarke, Lagden and Charles Griffiths of the BMP travelled to Thaba Bosigo to hold talks with Masopha. Indeed, as Clarke noted, there was "good reason to hope for the future" and he hoped that Imperial rule would "no longer be temporary".[180]

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176 CO 417/6/13528, Note by Fairfield, 1 August 1885.

177 Lagden Diary, 1885, 4 September. The first specific mention of Frances was 30 June 1885.

178 Ibid., 20 July; and, BAR, 1885-6, p. 16, para. 4.

179 Ibid.

180 C 4838, Correspondence re. Basutoland, pp. 1-3, Clarke to Robinson, 13 January 1886, Enclosure in No 1.

On 12 February 1886, the British Administration achieved its greatest success when messengers arrived from Masopha requesting that Clarke post an officer in Thaba Bosigo.[181] Several factors helped explain Masopha's change of attitude. First, the November pitso had revealed his growing isolation amongst the Basotho. Secondly, it was clear that the Administration was giving Letsie its full weight and authority especially when Leshoboro was permitted to move from being under Masopha's control. Thirdly, personal relations with the Administration, especially Lagden, probably made the change less unpalatable to him. Also, at the pitso he had grudgingly signified his willingness to cooperate with the Administration and collect due taxes.[182] On 26 February, Clarke and Lagden rode out to Teyateyaneng to meet Masopha to arrange for a site suitable for a station. This was soon settled and, wasting no time, Clarke called for tenders to build the new station. He decided to post Lagden at Teyateyaneng for the time being.

Lagden departed for his new post on March 3 and enthusiastically involved himself in the setting-up of the new camp. This being achieved, he made arrangements to hold a pitso so that he could both speak to and hear from 'his' people. On 11 March a successful pitso was held with nearly 7 000 being present.[183] No details of the pitso are available but it is likely that both Lagden and Masopha publicly exchanged greetings and pleasantries. Neither would have openly spoken their mind. Apart perhaps from Masopha's sons and councillors, it is most unlikely, as was the case in normal lipitso, that commoners would have spoken out.

Even though Lagden held such an important and sensitive post, he

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[181] Lagden Diary, 1886, 12 February.

[182] BAR, 1884-5, p. 23, para. 9.

[183] Lagden Diary, 1886, 11 March.

retained most of his normal administrative duties in handling despatches and accounts. This naturally required him to spend frequent periods in Maseru. Nevertheless, the heavy work load does not seem to have worried Lagden who probably appreciated the great opportunity offered to him. Success in handling Masopha would soon gain him further recognition within the Colonial Office.

Being able to spend time in the saddle appealed to Lagden and apart from frequent hunts, he appears to have gone out of his way to establish direct relations with the chiefs in the district, especially Lepoquo, Nota and Peete. These relations were characterised by "marked respect" and "cooperation".[184] It was at this time that Lagden received news of the sudden and unexpected death of Mrs Bousfield.[185]

Masopha's professed good intentions were put to the test in May when Lagden attempted to collect the annual hut tax. Whilst the collection certainly did not bring in all that was due, Lagden did not experience undue problems and considered the exercise to be successful. £478, much of it in grain, was collected.[186] As there were over 1 700 men in Thaba Bosigo, it appears that approximately half paid their dues. The Queen's birthday celebrations on 4 June, with the Basotho competing in organised horse races, brought Lagden much pleasure as Masopha's followers excelled and took the prizes. [187]

The short-lived tranquility in Basutoland was broken in June when clashes occurred between Maama and Bereng over grazing rights as well as between Peete and Lepoquo over land and chieftainship rights. The latter, being under Masopha, were Lagden's concern. He chose to work

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[184] BAR, 1885-6, p. 20.

[185] Lagden Diary, 1886, 25 March.

[186] BAR, 1885-6, p. 20.

[187] Lagden Diary, 1886, 4 June.

through Masopha who called a pitso, heard the opposing claims, and then with the concurrence of his councillors, made a decision. Lagden was well satisfied.

In July 1886, when Lagden was due to return to Maseru and to be replaced at Teyateyaneng by Herbert Sloley[188], formerly of the BMP, but now an assistant commissioner, Masopha brought many of his people together to meet Sloley but also to pay tribute to Lagden. As he noted: "Masopha spoke very nicely of me".[189] The Imperial Government had already paid their tribute to Clarke by making him a KCMG; a just reward for his tact and tenacity in maintaining the Imperial presence in Basutoland.[190]

Further trouble erupted in Berea when Leshoboro and Masopha quarreled over boundaries. The dispute, of old standing, was caused by both parties interfering with grazing, grass cutting and ploughing. The situation threatened to deteriorate further when Letsie instructed his sons to support Leshoboro.[191] As Lagden wrote, there was "considerable uneasiness" throughout Basutoland because of the dispute.[192] Lagden privately urged Masopha to show restraint. However, as the quarrel remained unsolved and the excitement continued, Clarke, accompanied by Lagden and Griffiths, travelled to speak to Thebe, Masopha and Lerotholi, and urged that matters could be handled in a pitso.[193] Masopha refused to attend and initially refused to accept the judgement.

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188 Dictionary of South African Biography, III, 'Sir Herbert Cecil Sloley', A Jacot Guillarmod, p. 742.

189 Lagden Diary, 1886, 5 July.

190 Ibid., 11 June.

191 Ibid., 23 July. Also, BAR, 1886-7, p. 8.

192 Lagden Diary, 1886, 26 July.

193 Ibid., 4 August.

Peace was maintained by acknowledging Masopha's pre-eminence in Thaba Bosigo and by a clear demarcation of boundaries between Masopha and Leshoboro.[194] Despite the tension and excitement, Clarke could take some solace that the disturbance had not resulted in widespread fighting, and, as implied by Sloley in the 1888 Annual Report, tension had eased between Masopha and Leshoboro as well as between Masopha and Peete. There was, he suggested, a "disposition to talk over disputes"[195] which had not existed before. This is perhaps explained by the growing authority of the Administration and its links with Letsie.

Immediately prior to his departure for Pretoria on leave, Lagden, hoping to improve his prospects, wrote to the High Commissioner and requested that he be considered for a vacant post of accountant-general in Bechuanaland, at a salary of £600 per annum, without quarters.[196] Upon his return, Lagden learned that the Colonial Secretary had authorised Robinson to appoint him to the Bechuanaland vacancy but that he, Robinson, had decided not to approve the transfer.[197] Nevertheless, it was made clear to Clarke that this was because of the value he placed on Lagden's role in Basutoland. However, the High Commissioner had no hesitation in approving Lagden's application for overseas leave with six weeks on full pay and the balance on half. He also revealed that he recommended Lagden for the CMG. However, Robinson stated that he did not know how the Colonial Office would receive the nomination. Eventually, they rejected it but, at the end of the 1887-8 financial year, had no hesitation in approving a request for a salary increase to £600 per annum.[198]

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194 BAR, 1886-7, p. 4.

195 Ibid., 1887-8, p. 20.

196 Lagden Diary, 1886, 12 August.

197 Lagden Papers, Mss Afr S, 209/1/1, High Commissioner to Clarke, 26 August 1886.

198 CO 417/21/13224, Note by S Webb, 10 July 1888.

Hut tax collections showed a steady improvement, reflecting the growing cooperation between the chiefs and the Administration and improvement in the regional economy. 1885 had yielded £4 497, 1886 £4 851 and 1887 £7 097. The latter was achieved in spite of widespread crop damage caused by early frost. It led Robinson to note, with obvious satisfaction, that:

> Basutoland [had been] saved from extinction ... [and] this step has not imposed any charge whatever on the tax-payers of the United Kingdom.[199]

Immediately prior to Lagden's leave, another major dispute erupted. Again, it centered on Masopha who attacked Ramanella after a land dispute.[200] Clarke, sensing a major crisis, cancelled Queen Victoria's Jubilee celebrations and worked closely with Letsie. He also urged that the Paramount involve other prominent chiefs such as Jonathan and Lesoana(Ramanella).[201] Letsie's prompt action, he was "blood and thunder"[202], and the support he received from other chiefs, forced Masopha to turn to the Resident Commissioner for protection.[203] He readily agreed to a pitso and to the Resident Commissioner's judgement which found Masopha guilty and imposed a fine of 1 000 head of cattle, which he readily paid. Clarke utilised the cattle to generously compensate Letsie and the victims of the aggression, along with those

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199 BAR, 1886-7, p. 3, Robinson to Holland.

200 Ibid., p. 5.

201 CO 417/15/13888, Clarke to High Commissioner, 15 June 1887; and, ibid., 14169, Letsie to Clarke, 15 June 1887.

202 CO 417/15/14171, Clarke to High Commissioner, 27 June 1887; Lagden, The Basutos, p. 576; and, Lagden Diary, 1887, 14 June.

203 BAR, 1886-7, p. 5.

Basotho who had remained loyal to Letsie.[204]

In such crises it is difficult to assess Lagden's role. It can be concluded, from his handling of later crises that he probably contributed considerably to the deliberation of policy and actual negotiations. Certainly, he learned of the necessity to provide the Paramount with full support and cooperation, the need to involve leading chiefs in the proceedings and the crucial importance of immediate and decisive on-the-spot action.

Immediately after the dispute, Lagden completed his annual report and accounts before travelling to East London. Clarke hosted a dinner at the Residency on 22 July for him and invited all the officers of Basutoland. Clarke made "a very handsome speech" about Lagden who also received a cheque of £27 from the officers.[205] After sailing from East London, Lagden hit bad weather and suffered seasickness. After reaching Port Elizabeth and transferring to the Warwick Castle, there was widespread fog and rough weather causing slow progress. As a result, Lagden did not arrive in Cape Town until the morning of 2 August - he had missed his scheduled wedding ceremony! Nevertheless, at 3pm, that afternoon, Lagden married Frances Bousfield at St George's Cathedral. The following afternoon, after receiving a brief visit from Lady Robinson, the newlyweds sailed for England.

Lagden resumed his work as Government Secretary and Assistant-Commissioner for Maseru in November 1887. Through to August 1890, this proved to be the quietest and least eventful period of British rule of Basutoland. Apart from his routine office work, Lagden accompanied Clarke on visits to the prominent chiefs such as Masopha, Bereng (for whom Lagden had a growing regard), Theko and Maama, whom he was to identify as potential threats to future peace and security.

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[204] Lagden, The Basutos, p. 576.

[205] Lagden Diary, 1887, 22 July.

However, as he noted in the Annual Report, there was "nothing of importance to disturb the peace of the Thaba Bosigo district" during 1887/8.[206]

This was an exceptionally wet period, especially in January and by 3 March 1888 Lagden observed that the Caledon River was "the fullest this year".[207] Without serious tribal disputes to calm, his main task appears to have been the organisation of groups of "Reserve" people to eliminate burrweed which had spread rapidly into good grazing land as a result of excess livestock over-grazing of 'sweet' grasses and allowing the 'sour' burrweed to spread without hindrance.[208] A consequence of the heavy rains was that mountain tracks, euphemistically termed "roads", required extensive repair and maintenance work. This was financed on an ad hoc basis from supplementary estimates. The normal wage paid for such work was 1s. a day.[209] Despite the low rate, this was a convenient means for Basotho to earn extra cash without leaving home.

Apart from preparing the estimates and accounts submitted with the annual reports, Lagden was heavily involved with inspection visits to schools, government stations and police outposts. Such work appealed to him because it enabled him to leave the office and get out into the districts. It also provided considerable scope for shooting trips and opportunities to meet the local officials, missionaries and chiefs. However, it should be stressed that for Lagden, the formal side of this work was carried out thoroughly and with enthusiasm.

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206 BAR, 1887-8, p. 8.

207 Lagden Diary, 1888, 3 March.

208 Ibid., entries for February. Basotho chiefs tended to ignore the spread of burrweed because it did not affect their cattle, Kimble, 'Migrant labour and colonial rule', p. 234.

209 BAR, 1887-9, p. 9.

That all was well in Thaba Bosigo was proved to Lagden by the collection of £2 346 for the hut tax and that "considerable numbers" of men were recruited for the gold and diamond mines.[210] There was a good demand for Basotho labour and their reputation as workers stood high. It would appear that Lagden and his fellow commissioners exhorted the Basotho to seek paid employment outside Basutoland as they believed it to be very beneficial to all concerned. The ever-increasing participation of Basotho migrant labourers in the South African labour market was regarded as proof of the success of British rule because it enabled them to pay taxes as well as purchase luxuries and necessities from traders. It is important to realise that, in this period, migrant labour was dominated by the agricultural cycle[211] and that in most cases it had nothing to do with growing impoverishment. It was only in the post 1910 period, according to Judy Kimble, that migrant labour was closely allied to impoverishment. However, Basotho labour was to play an ever-increasingly important role within South Africa from the 1890's.

Basutoland's relative prosperity and tranquility continued into 1889 and Lagden was able to report that "comparatively quiet and orderly counsel prevailed and the peace was not broken".[212] However, a disquieting trend was the continual complaint that the courts run by chiefs were being abused. There was considerable evidence that the "process ... may be expensive for the litigants" as work through the Chiefs was "slow and vexatious".[213] British officers were extremely reluctant to interfere as the chiefs were "very suspicious and resented any encroachment upon the prerogative of Chieftainship". Thus the abuses were generally tolerated by the British especially as hut tax

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210 Ibid., pp. 8-10.

211 Kimble, 'Migrant labour and colonial rule', pp. 307-10.

212 BAR, 1888-9, pp. 9-10.

213 Ibid., p. 9.

yields continued to increase owing to favourable harvests, migrant labour earnings and especially cooperation from the chiefs.

There were two minor disputes.[214] The first concerned an encroachment by Masopha's people who ploughed within land clearly marked for Peete's followers. The decision of Clarke and Lerotholi, representing Letsie, to destroy crops, was agreed to by Masopha but not implemented. The second incident marked the start of a prolonged effort by Maama to assert his influence at the expense of his brother, Bereng. The issue involved the ploughing of land by Maama's people, on commonage allocated to Bereng. This dispute continued to fester for several years.

At the end of June, Lagden was informed by the Colonial Office, that he had been granted a personal allowance of £50 per annum. It was probably Clarke's commendation that secured the allowance. He had informed Robinson that since Lagden "obtained his present appointment, [he] has worked with utmost industry and zeal [and] has shown much judgement and has given me material assistance".[215] Fairfield, recalling the Gold Coast episode, opposed Robinson's proposal that Lagden be awarded a CMG but supported Herbert's recommended allowance for Lagden.

Herbert had minuted that:

> Mr Lagden is, I think, an energetic and capable officer, who should be encouraged; but he could hardly yet be considered for the CMG. £50 personal allowance.

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214 Ibid., p. 19. Also, Lagden Diary, 1889, 14 January and 7 to 9 February.

215 CO 417/30/9803, `Services of Lagden', May 1889. Clarke had originally written to Robinson in April 1889. Fairfield's note to Bramston is dated 14 May 1889 whilst Herbert's suggestion and Fairfield's decision are both dated 15 May 1889.

This gave Lagden a salary of £650 per annum, and along with Knutsford's decision to offer security and pensions to Basutoland's officers, offered him far more security than he could have expected in March 1884.

Peaceful prosperity was maintained in 1889/90. The departure of Clarke to England and Ireland on long leave and a brief visit to Basutoland by Sir Henry Loch, the High Commissioner, presented Lagden with ample scope to demonstrate his worth to the Colonial Office. The hut tax yield for Thaba Bosigo showed a modest increase to £3 567[216] whilst Letsie, as Paramount, received £900[217] for his cooperation and assistance in the collection of the tax over all of Basutoland.

A request by Maama to travel to Johannesburg to visit the gold mines was refused by Clarke and Lagden.[218] Whilst it was believed by the Administration that he would use the opportunity to cause "mischief", it is likely that they they feared that Maama would expose living and working conditions on the mines. The gold mines were not popular with the Basotho migrants. Early in January 1890, trouble occurred at Matsieng when Maama attempted to increase his influence over a ward held by Mattelebe Moshoeshoe[219] but prompt action by Letsie, in deciding in favour of Mattelebe, forestalled any serious trouble despite the prevalent unfriendly relations.

Loch spent a week in Basutoland in April 1890. He was suitably impressed and both in private and public, paid kind compliments to Lagden. Loch noted that the accounting books displayed "close attention to detail" and "constant supervision" whilst the supplies in the

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216 BAR, 1889-90, p. 16.

217 Lagden Diary, 1889, 18 July.

218 Ibid., 23 July.

219 BAR, 1889-90, p. 14.

Government stores showed the "greatest economy" and "complete efficiency" in the ordering of stocks.[220]

After Loch's return to Cape Town, Clarke left Basutoland on long leave. Lagden was appointed to act as Resident Commissioner whilst F Enraght Moony, a former member of the BMP, was appointed to replace Lagden as Secretary and Assistant Commissioner. Lagden was desperately keen to impress by doing a good job. Both Loch and Clarke received frequent letters from Lagden outlining events and action taken. The letters to Clarke[221] tended to chronicle events in Basutoland whilst those to Loch were more explanatory and focussed on major events and issues.[222]

During 1890 Lagden was of considerable assistance to Cecil Rhodes in arranging supplies of Basuto ponies for the Pioneer Column's trek to Mashonaland. The ponies were provided by Martin, a Maseru trader. Lagden appears to have acted as Rhodes's agent in obtaining and paying for the ponies.[223]

Serious tribal strife suddenly reappeared in August 1890. In the northern district of Leribe, the tussle between Jonathan and Joel, which first appeared in 1881, broke out again, whilst in the south the Bataung came to serious blows over a succession issue.[224] In dealing with both cases, Lagden acted with assurance and confidence. He fully involved Lerotholi, Bereng and Setha in his endeavours to prevent further fighting and settle the disputes.[225]

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220 C 5897, Report by Sir H B Loch, p.4.

221 The letters from Clarke can be found in the Lagden Papers (Wits), E, 'Zululand'.

222 Copies of the letters to Loch can be found in Rhodes House, Lagden Papers, Mss Afr S, 2034 - Letterbook.

223 Lagden Diary, 1890, 25 February; 15 May and 3 July.

224 BAR, 1890-1, p. 12 and p. 16.

225 Lagden Diary, 1890, see entries from 21 August to 30 October for details.

In Leribe, the trouble was occasioned by the followers of Motsoeni, assisted by some of Jonathan's people, crossing into the Butha Buthe district, and cutting down and removing reeds belonging to Joel.[226] Jonathan, under pressure from Lagden, made a show of appearing to conciliate Joel, returned about one twentieth of the collected reeds, but proceeded to ride over them and render them useless. As Jonathan was not punished for this, Joel was bent on revenge.

This came within the month when Joel's herdsmen attacked those of Matela, a ward of Jonathan. Seven or eight men were killed and "plenty" of cattle were captured. Matela was forced to seek refuge in the Free State whilst his lands and huts were looted. The adjudication by Lagden and Lerotholi took place under very tense and strained conditions. The adjudicators separated the warring factions. Joel, who was clearly unpopular, according to Lagden, refused to cooperate. Nevertheless, Lagden, with the full backing of Lerotholi, Bereng and Setha, determined to recover the captured cattle and punish Joel. Joel's reluctance to pay the original fine led to the imposition of a further fine of 300 cattle. These were later sold to the highest bidder.

The dispute amongst the Bataung was not as serious as the crisis in Leribe, but coming so close to the Leribe incident, and in a district which had been quiet since 1884, must have caused Lagden considerable anxiety.[227] The quarrel concerned the claims of two chiefs, Mokhle and Monyakhle, over lands. Lagden, accompanied by Lerotholi and Setha, hurried to Mohales Hoek. It was determined that both had acted illegally and indiscreetly. Therefore, both were fined, Mokhle 120 cattle and Monyakhle 80 cattle. Then Lagden requested Lerotholi to investigate and settle the land dispute. Understandably because of his

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226 Ibid., 4 October.

227 BAR, 1890-1, pp. 23-4.

age, Letsie was unable to participate in the judgement cases but Lagden constantly sent messages and letters to the Paramount to explain events.[228]

The annual pitso was held on 6 November 1890. Lagden took advantage of the opportunity to initiate further discussion on the proposed Council, to point out the dangers of inter-tribal quarrels and to remind the Basotho of the High Commissioner's words to Letsie that:

> the Queen [took] care of a united Basuto nation, but she could not recognise or permit divisions and anarchy between those who should show to their people an example of peace and friendship.[229]

In reviewing the pitso notes, Fairfield was to note: "too many chiefs in Basutoland and they are too independent". His solution was simple: "leave matters to Sir M C [sic]".[230]

The long standing dispute between Basutoland and the Orange Free State, over the source of the Caledon, was eventually settled in August 1890 when President Reitz agreed to meet Lagden to investigate the problem on the spot.[231] Herbert had feared that Reitz would outwit the British[232] on this issue but was delighted with Lagden's preparation and settlement of the dispute.

Lagden wisely sought the advice and opinion of the local assistant

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228 Lagden Diary, 1890, See entries for 8, 24 and 26 September and 13 October.

229 BAR, 1890-1, p. 4.

230 CO 417/47/24188, 'Annual Pitso', 3 October 1890.

231 The dispute is referred to in the BAR from 1887 onwards.

232 CO 417/34/23277, 'Northern boundary of Basutoland', December 1889.

commissioner Barrett and the Basotho chiefs, Joel and Lebesa.[233] He was fully prepared and well-briefed for the meeting. Certainly, he was able to counter Reitz's claims. As he noted in his diary, "the whole thing was a farce as he continually changed theories, which we as often upset". Eventually, Reitz informed Lagden that he could make no provisional settlement without consulting the Volksraad. He then suggested the erection of a beacon and that Basutoland should exercise its rights within the boundary and acknowledged that it was, de facto, Basutoland territory. Lagden then advised the Basotho to plough the land as usual and to ignore other communications on the matter. When all of this was reported to the Colonial Office, a delighted Wingfield noted: "Mr Lagden was [one] too many for Pres[ident] Reitz ... express appreciation of Mr Lagden's management".[234] Indeed, he had saved seventy square miles from Free State encroachment.

By 17 December 1890, when the railway from Port Elizabeth reached Bloemfontein, Clarke was in the Free State capital en route to Maseru. He represented Basutoland at the celebrations and thus denied an annoyed Lagden the opportunity of attending the celebrations.[235] Three days later, Clarke was back in Basutoland ready to resume his responsibilities. Mention has already been made of Lagden's frequent letters to Clarke. Clarke's replies are contained in the Lagden Papers. Apart from topical issues such as the selection of boys to attend Lovedale, the erection of the telegraph line from Ladybrand to Maseru, and the extension of public works, Clarke expressed his appreciation to Lagden for his "anxiety to keep in our old grove" (i.e., policy) and to assure Lagden of his good standing at the Colonial Office. For instance, "At the CO [sic], your work was acknowledged"[236], whilst

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233 Lagden Diary, 1890, 29-31 August.

234 CO 417/43/19979, Wingfield to Bramston, 13 October 1890.

235 Lagden Diary, 1890, 17 December.

236 Lagden Papers (Wits), E, Clarke to Lagden, 8 July 1980.

later he informed Lagden that Herbert "spoke very highly about you".[237] Also, that Knutsford, the Colonial Secretary, "appreciate[d] the results you have realised in Basutoland".[238] Clarke concluded that "your name stands very well at the Colonial Office".

On 22 December, Lagden handed over the Resident Commissioner's post to Clarke. However, when Lagden suggested that he be rewarded with an additional half-pay of the Resident's salary[239], the matter turned rather sour. Clarke considered the request to be contrary to regulations and refused. Lagden, however, took it as a personal insult which caused him to adopt a very critical and negative attitude towards his superior. However, there appears to have been no mention by Clarke, to the High Commissioner, of the ill-feeling between himself and Lagden. Quite the contrary, he wrote a praiseworthy report on Lagden and informed Loch that:

> in the difficult circumstances attending the late disturbances in Leribe ... Mr Lagden appears to me to have displayed exceptional tact and good judgement.[240]

As result of this, and an earlier communication from Loch, Hemmings noted Lagden's "firmness, judgement and discretion" whilst Herbert noted that in his seven years in Basutoland, Lagden had done uniformly well and wrote: "Note for CMG (which has already been under consideration)".[241]

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237 Ibid., 31 October 1890.

238 Ibid., 15 December 1890.

239 Lagden Diary, 1890, 22 December.

240 Lagden Papers, Mss Afr S, 209/1/1, Clarke to Loch, 30 December 1890.

241 CO 417/53/2442, Note by Herbert, 3 February 1891. Also, CO 417/47/24812, Hemmings to Bramston, 23 December 1890.

The Lagdens spent January 1891 in Cape Town on holiday with Bishop Bousfield. Lagden returned to Maseru on the 30th, but Frances and the two children remained in Cape Town for a further month. Back in Basutoland, Lagden failed to reconcile himself with Clarke. Clarke wanted Lagden to do some explaining:

> Sir M [sic] spoke to me and bullied me about the financial administration. He had taken a critical view of the state of the Finances and jumped at many conclusions.[242]

During Clarke's absence Lagden had carried out many public works and presumably, in Clarke's opinion, had spent too much on the works and had reduced the balance to £500, considerably lower than the usual £2 000.[243] Clarke was justifiably annoyed and alarmed to find his balance so drastically reduced.

Lagden confessed in his diary:

> I feel there is a great rift between us and that my career has been damaged by the hasty view he took and the action he has taken ... I am very miserable and feel that I have again to make a new start in life.[244]

Despite a successful trip to Matsieng with Clarke to explain the details of the census, there was no change in his attitude:

> I feel as if the last seven years was [sic] to me a dark gloom. I am very despondent - cannot lift the gloom.[245]

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242 Lagden Diary, 1891, 4 February.

243 CO 417/57/12117, `Supplementary estimates, 90-91'.

244 Lagden Diary, 1891, 4 February.

245 Ibid., 9 February.

Later he recorded:

> Do not feel I can speak freely with Sir M [sic].[246]

The same attitude reappeared in May:

> Sir M [sic] again grumbling and growling - this time about Census. Am feeling damned sick of it and feel I have no more individuality ... I have given up making any more suggestions to him as they seem to be a signal to him to take an opposite view.[247]

It is, of course, possible to take all this at face value but bearing in mind the Gold Coast episode of 1883, it is tempting to suggest that much of the problem was probably Lagden himself and his tendency to take offence where none was intended, as well as his despondent nature when allowed to brood over matters. Indeed, as soon as Frances returned from Cape Town, the Lagdens were regularly invited to dine or play whist at the Residency.

Prior to Clarke's return in December 1890, there is not a single criticism of him in Lagden's diaries. It is likely that Lagden, after being in charge for seven months, had grown fond of the responsibility and prestige that he had possessed and had great difficulty in remembering that he was no longer the supreme authority. This would definitely have annoyed Clarke. To complicate the issue, in 1894, when Clarke who had been temporarily transferred to Zululand, and Lagden was again acting as Resident Commissioner, and seeking another salary increase, Clarke replied positively stating that he had "fairly earned an increase" and that "the work we have done in Basutoland has in a great measure succeeded because we worked so well together". Also, "you have always given me the most loyal advice and support". Therefore,

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246 Ibid., 14 February.

247 Ibid., 5 May.

Clarke suggested that Lagden should request an increase to the High Commissioner and that he would endorse it.[248]

For the remainder of 1891, Lagden appears to have been very subdued and involved himself only in the normal routine work of Government Secretary in drawing-up estimates for the forthcoming year, carrying out inspections, keeping accounts up to date and finalising reports. Apart from Letsie's failing health and the succession issue, the most serious problems Lagden faced were an invasion of locusts and unusual lack of cooperation from Jonathan in Leribe. The locusts inflicted "terrible ravages" on the crops and brought back painful memories of the 1885 famine. The drop in the tax yield for Thaba Bosigo from £4 033 in 1890/1 to £3 858 in 1891/2 can be directly attributed to the locusts.[249]

Jonathan was regarded by the Administration as one of the most loyal chiefs in Basutoland. His attitude in 1891/2 may be explained by a series of minor clashes with Joel's followers as well as the tensions generated by Letsie's ill-health and the realisation that a successor would soon be chosen. Even though Jonathan had no direct claim himself, his lack of cooperation, especially over the collection of tax and the querying of several of the assistant commissioner's actions, should be interpreted as attempts to display his independence.

Lagden was not directly involved in the succession struggle after Letsie's death on 20 November 1891 and the nomination of Lerotholi as the new Paramount. However, he must have derived satisfaction from the knowledge that Loch's policy, as implemented by Clarke, exactly followed Lagden's advice to Loch back in 1890 that the Administration openly side with Lerotholi and pressure the leading chiefs to publicly

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248 Lagden Papers (Wits), E, Clarke to Lagden, 22 April 1894.

249 BAR, 1891-2, pp. 13-5.

proclaim their support for him.[250]

The first week of January 1892 not only caused Lagden great personal pain and discomfort from a bad attack of piles[251] but also concern for Basutoland with a fresh outbreak of locusts which threatened the crops. The unexpected news that Loch desired Lagden to be seconded to Swaziland for six months, whilst Colonel R Martin, the British Resident, went on long leave greatly appealed to him.[252] The quoted salary of £400 from Basutoland, and the £900 from Swaziland, was tempting. He accepted immediately subject to being granted an allowance to cover travelling expenses for his wife and family.

This welcome news, together with a favourable school inspection report and the smooth succession by Lerotholi, did not lessen Lagden's criticism of Clarke. This time it was occasioned by Clarke's handling of Chief Ledingoana, a BaTlokwa chief and friend of Maama, who in 1886, when practically free from British control, had killed two people suspected of witchcraft.[253] Lagden's criticisms were twofold. First, the crime, committed in 1886, had only been tried because of ill-feeling by Lerotholi for Ledingoana. Lerotholi was using his increased influence to remove a potential threat with the support of the Resident Commissioner. Secondly, much of the deliberation was done by Clarke in private. Hence, amongst others, Lagden was excluded. He noted that the business had "been bungled" and that Clarke "was taken in by Lerotholi" and "rushed the thing ill-advisedly".[254]

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250 Lagden Papers, Mss Afr S, 2034, Lagden to Loch, 9 September 1890.

251 Lagden Diary, 1892, 5 and 11 January.

252 Ibid., 11 January.

253 Lagden Diary, 1892, 1 February. Also, for details, BAR, 1891-2, p. 12.

254 Lagden Diary, 1892, 1 February.

Almost at the same time, another tussle developed between Maama and Bereng over land rights in the Popa district. Three of Bereng's men and one of Maama's were killed. Lerotholi's intervention prevented any further fighting and Clarke imposed heavy cattle fines on both sides.[255]

On 18 February 1892, Lagden left for Cape Town via Bloemfontein to discuss the Swaziland post personally with Loch. Upon his arrival in Cape Town, Lagden was informed that his travelling expenses would be met by Swaziland funds and that he should make arrangements with Martin over living quarters. Apart from the obvious and necessary meetings with Loch and Bower, Lagden was able to have a "knock" in the Newlands nets and dine with Cecil Rhodes[256], now Prime Minister of the Cape.

Lagden's visit to Cape Town was, of necessity, brief because he had been selected to play cricket for a combined Free State/Basutoland side against the English tourists. Unfortunately, in both innings he was dismissed cheaply by the spin bowler Read who twice had Lagden LBW.

Soon after Lagden's return to Maseru, Bower wired that he had to be in Bremersdorp by 14 April. After purchasing a suitable wagon and team of oxen, plus the hiring of drivers, the Lagdens prepared to leave Maseru. A special farewell dinner was given by the Clarkes on 29 March followed by good-byes to many people, especially Basotho who came to say their farewells. As Lagden noted in his diary: "We were overwhelmed with good wishes". The following day they departed for Pretoria before travelling on to Swaziland. After leaving his family in Pretoria for the time being, Lagden left for Barberton on 12 April 1892. On 16 April, he finally arrived in Bremersdorp.

Even though the Swaziland post was temporary, it held many prospects

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255 BAR, 1892, p. 12.

256 Lagden Diary, 1892, entries for 24-26 February.

for Lagden. First, within South Africa, Swaziland was of much greater importance and significance to the Colonial Office than Basutoland. Secondly, the position gave Lagden a further opportunity to assume responsibility and authority, and to display his talents which hopefully would assist his career. Thirdly, it removed Lagden from Clarke and came, no doubt, as a welcome respite for both. There can be no doubt, despite the problems that his wife and children would have to endure by living in an isolated station, that Lagden looked forward with relish to the task which awaited him in Swaziland.

CHAPTER 3

SWAZILAND 1892 - 1893

Swaziland in the 1880's.

Swaziland has played a pivotal role in much of South Africa's history. Not only were the Swazi a critical group in the process of Nguni state formation but they also held a central position in the political economy of south east Africa. Philip Bonner[1] has pointed out the great dependence of white societies on their Swazi neighbours for much of the nineteenth century as well as the extreme fluidity of personal relationships between the Boers and the Swazi chiefs. They were, also, one of the last African societies to be subordinated by whites. Moreover, for most of the nineteenth century, whites were a secondary consideration and were constantly overshadowed, in Swazi eyes, by African states and the Zulu in particular. Until the 1880's, the Swazi retained effective control over much of the area east of the escarpment and frequently intervened in societies nominally controlled by the Boers of the South African Republic (SAR) who were reliant on the Swazi for a variety of services, military, commercial and economic.

Concession seekers, initially needing winter grazing for sheep, first visited Swaziland during the reign of Mswati in the 1840's.[2] Whilst one could argue that he mortgaged Swaziland's future by being unaware of the written treaties and concessions, it is possible to counter that, for the Swazis, treaties were merely a reflection of current

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[1] Bonner, Kings, commoners and concessionaires, p. 3. Note that NG Garson, 'The Swaziland question and a road to the sea, 1887-1895', Archives Yearbook II, 1957, is strong on the diplomatic background. However, on events within Swaziland there is less emphasis. Indeed, there appears to be no mention of Lagden replacing Martin for much of 1892 and early 1893.

[2] On early concessions, Miller Papers, Ms 577a, 'Swaziland in the 1880's', p. 2; and, Matsebula, Swaziland, pp. 40-2.

strengths and needs.[3] They could easily be superseded as conditions changed. Hence, in reality, the written treaty was largely irrelevant to Swazi and Boer. What was crucial was the power to enforce it. In the final analysis, argues Bonner:

> it was not the enduring quality of the treaty that the Swazi failed to perceive, but the massive changes which took place in the balance of power in the region after the annexation of the Transvaal, and the discovery of gold on the Rand, neither of which [the Swazi] could have readily foreseen.[4]

Between 1881, when the Transvaal regained its independence from Britain, and 1892 when Lagden was posted to Swaziland, there were five major developments. First, even before the signing of the Pretoria Convention in August 1881, there was an unprecedented influx of Transvaal graziers into Swaziland which, despite the admission that Swaziland was an "independent" state, was ignored by the British negotiators.[5] Secondly, in 1883, as a result of British administration reforms and the military success at Majuba, the SAR was able to field, for nine months, a force of 1 500 to 2 000 men, costing £40 000, to defeat the Pedi chief, Mashogo.[6] Thirdly, the High Commissioner, Sir Hercules Robinson, contrary to his later views, failed to persuade the Colonial Secretary, Derby, and the Swazi, of the need for Britain to assume a more active role in Swazi diplomacy and defence.[7] Fourthly, there was the involvement of 'Offy' Shepstone, son of Sir

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3 Bonner, Kings, commoners and concessionaires, p. 84; and, Miller Papers, Ms 601, 'Swaziland lecture, 1905', p. 20.

4 Bonner, Kings, commoners and concessionaires, p. 84.

5 Ibid., p. 163; and, Matsebula, Swaziland, pp. 62-3.

6 Matsebula, Swaziland, pp. 169-70; Bonner, Kings, commoners and concessionaires, p. 166; and, P Delius, The land belongs to us, provides early background but stops in the 1870's.

7 Bonner, Kings, commoners and concessionaires, pp. 169-9. For Robinson's later views when he favoured a Transvaal occupation of Swaziland, 'The Swaziland question', Fortnightly Review, LIII, Old Series, 1890, pp. 283-91.

Theophilus, in Swazi affairs after 1887.[8] Initially concerned with salvaging his personal finances, he became increasingly implicated in the intrigues of the concession policy. However, unlike in 1890, Shepstone, in Bonner's assessment[9], did endeavour to serve the Swazi to the best of his ability. Finally, Shepstone's failure to effect a united and cohesive Swazi policy and the growth of concessionaire opposition, led to his downfall and, albeit temporary, replacement by Allister Miller, a former journalist and leader of white opponents of Shepstone.[10] Increasing divisions within the Swazi nation and widening gaps between Britons and Boers in Swaziland, ultimately resulted in Britain and the SAR agreeing to form, with Swazi approval, the Joint Committee in 1890.[11] Both governments agreed to contribute £7 000 for revenue as well as provide a commissioner. The Swazi nation would be represented by Shepstone who would act as Chairman and handle Swazi affairs. The British and Republican commissioners would only be concerned with white affairs. This became effective as a result of the First Swaziland Convention[12] when the High Commissioner, Sir Henry

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8 On Offy Shepstone, see RWF Droogleever, 'The role of Offy Shepstone in Swaziland, 1886-1895', unpublished MA dissertation, University of Natal, 1976; Matsebula, Swaziland, pp. 71-3, 80-3 and 128-9; and, Dictionary of South African Biography, II, 'Theophilus 'Offy' Shepstone', BJJ Leverton, pp. 660-1. This entry is very laudatory and ignores Shepstone's work as a Transvaal agent and is written in the 'Colonial' tradition of history writing.

9 Bonner, Kings, commoners and concessionaires, p. 187.

10 Miller Papers, Ms 577a, 'Swaziland in the 1880's', p. 4 for details of his early life; and, Matsebula, Swaziland, pp. 82-3.

11 Ibid., pp. 115-8; and, C 6201, Report on Swaziland by Colonel Sir F.L. Winton RA, KCMG, CB, 1890.

12 C 6217, A Convention between Her Majesty's Government and the South African Republic for the settlement of the affairs of Swaziland, 1890; and, Garson, 'The Swaziland Question', Chapter III, 'Kruger's offer of May 1889 and the negotiation of the First Swaziland Convention (August 1890)', pp. 312-29.

Loch, in the company of Cecil Rhodes, reached agreement with Paul Kruger, representing the SAR.

The student of Swazi history is greatly assisted in understanding British policy towards Swaziland in 1892-3 by an informative memorandum[13] prepared by F Graham of the Colonial Office for Gladstone's newly elected government. It must be noted that the memorandum was for cabinet consumption only. It would be accurate to state that Lagden was ignorant of much of its contents. Yet ironically, Lagden's despatches almost certainly influenced Graham and Loch in their conviction that Swaziland should be given to the Republic.

The First Swaziland Convention, negotiated at Blignaut's Pont "gravely disappointed" Kruger who believed that Britain would abrogate the Pretoria and London Conventions and allow the Republic to annex Swaziland.[14] This, in turn, would facilitate his quest for an outlet to the sea and acquisition of an harbour in Tongaland. However, only after the despatching of "Onze" Jan Hofmeyr of the Cape Afrikaner Bond to Pretoria, in July 1890, did Kruger sign, and the Volksraad ratify, the Convention.[15]

Hofmeyr's negotiations in Pretoria are crucial to this analysis of Imperial policy and the role played by Lagden. As a result of a telegraphic error, acknowledged by the Colonial Office as genuine but unfortunate, Hofmeyr, after receiving telegraphic instructions from Loch, incorrectly believed Loch to have stated that the British Government would not object to the annexation of Swaziland by the SAR as soon as its affairs were properly regulated. It was on this

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13 CO 879/438, 'The Swaziland Question', F Graham.

14 Ibid., p. 5.

15 Ibid., p. 6.

understanding, an erroneous belief, that the Volksraad ratified the Convention. Hence, Kruger's anger with Hofmeyr over Swaziland and stalling British tactics by Salisbury's cabinet.[16]

Graham was at pains to point out that even though there were only nine months of the original three years of the agreement remaining, the Republic had failed to obtain agreements with African chiefs in Swaziland and Tongoland over railways and harbours and had not entered into the South African Customs Union.[17] Consequently, either Britain or the SAR could abrogate the Convention. In the event of the Republic refusing to continue to share in the administration, and financial responsibility of Swaziland, one of three situations could happen. It could relapse into anarchy; the Republic could persuade the Swazi to give them the government of the whites; or Her Majesty's Government would have to assume sole responsibility of governing the whites at great expense to the British taxpayer and in opposition to the SAR.[18] He also added, as an afterthought, that the attitude of the Swazi was another factor to be considered as they believed they were independent and would remain so.

The main point of the memorandum was to urge the Government to come to some decision. As will become evident, Graham believed that Swaziland should go to the Republic because of its great control over concessions. Further, there were the interests of regional Imperial policy concerning Bechuanaland, and "Southern Rhodesia" as well as Swaziland to be considered.[19]

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[16] Ibid., p. 9. Also, see TRH Davenport, The Afrikaner Bond, pp. 129-31.

[17] CO 879/438, 'The Swaziland Question', p. 6.

[18] Ibid., p. 7.

[19] Ibid., pp. 11-12.

The immediate task of the Joint Committee had been to investigate and evaluate concessions claimed. This had been tackled by a Concessions court consisting of Judges Kotze[20] and du Toit (SAR) and Judge Juta (Cape). Despite the fact that there were many claims of concessions being fraudulently obtained and that Swazi law and customs should have been observed, the overwhelming majority of claims were validated and the Swazi "legally" lost control of much of their country.[21] Later events were to prove that the court's investigations were very shallow and a sham. Needless to say, both governments recognised the concessions for grazing and mining and even included the collection of the King's Private Revenue. The completion of the Court's work led the SAR to believe that Swazi affairs had been put in order, and that negotiations could commence, and Swaziland could be annexed to the Republic. On 12 March 1891, Kruger wrote to Loch and reminded him of Hofmeyr's promise and asked that it be made good. The original letter was lost en route but the request was repeated in May 1891.[22]

The desire of several Transvaal groups to establish a republic north of the Transvaal, on land claimed by the British South Africa Company, threatened to cause a major escalation in tension between Britain and the Republic. This caused Loch to urge Kruger to use his influence to prevent such treks, and as an incentive, promised to discuss the Swazi question "sooner than the time originally understood".[23] Kruger

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20 Dictionary of South African Biography, I, `Johannes Gysbert Kotze', VG Hiemstra, pp. 438-41.

21 Droogleever, `Offy Shepstone', pp. 170-1; and, Goldfield News, 4 June 1890, when discussing concessions stated: "Those which are honest, fair and reasonable are so few and far between ... 99% of them ... were obtained under false pretences ...". Matsebula, Swaziland, pp. 126-7, is very critical of the Court not only for "applying laws that were foreign to and unrecognised" in Swaziland but also for awarding concessions based on dubious evidence. For a comprehensive list of the `approved' concessions, C 6201, Appendix K, Registration of Concessions.

22 CO 879/438, p. 11.

23 Ibid., p. 11.

complied and agreed, very reluctantly it appears, to meet Loch in August 1891 to discuss the Swazi question. However, Loch set two major conditions. The first was that the rights of the Swazi king and people should be respected. The second, deliberately calculated to stall proceedings, was that all Europeans, whether in the Republic or Swaziland, should be accorded the franchise with the right to sit in the Volksraad.[24] Loch believed that a refusal by Kruger would strengthen British influence in the Transvaal with Britons and Boers.

Indeed, there were no further communications until December 1891 when the SAR raised the matter with Hofmeyr and reminded him of the Republic's cooperation in stalling the trek parties as well as Hofmeyr's 1890 pledge. It was added that the cession of Swaziland to the Republic was the only solution to the problem. Further, Shepstone was of the same opinion and would be prepared to use his influence in that direction.[25] By this stage, it should be noted, both Loch and Martin strongly suspected Shepstone to be working for the Republic.[26]

In February 1892, Knutsford, the Colonial Secretary, agreed to a conference but with no pledges to be made. In a confidential despatch, he made it clear to Loch that the British Government did not want to open the Swazi question because it believed the Joint Government had not been properly tested and that it desired to prevent the white population of Swaziland from being handed over to the Republic.[27] He added that any change in policy would be strongly opposed in Britain. Thereupon, in a masterpiece of deceit, Loch wrote to Kruger, acknowledged his cooperation, and the desire to remove any obstacles to the development of Swaziland under the Joint Government. He proposed

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24 Ibid., p. 12.

25 Ibid., p. 13.

26 Droogleever, `Offy Shepstone', pp. 197 and 202.

27 CO 879/438, p. 13.

that they meet at a time and place suitable to Kruger. He concluded that Her Majesty's Government:

> cherished ... much hope that a conference be held [which] may finally lead to an early settlement favourable to itself of the affairs of Swaziland.[28]

The remainder of the memorandum contained Graham's views. As he put it:

> The Question is - Her Majesty's present advisers have to decide whether they consider the question of a cession of Swaziland as an open one or not.[29]

He immediately offered his own view and reasoned that as the Boers would not be content with anything less than sovereignty over Swaziland, it was essential to reach a decision at once. He argued:

> It is not too much to say that the course to be adopted in the settlement of the Swaziland question ... is likely to have a far reaching effect on South African politics generally.

Graham considered that Imperial interests in South Africa generally, and Transvaal interests in Swaziland, made it essential to give Kruger a free hand there. He believed that "race animosity" within the Transvaal had subsided because of conciliation as well as Cape Afrikaner support for Rhodes. Candidly he admitted:

> It is unfortunately a fact that we have rarely made a treaty with, or a promise to the Boers which has not, in the Boer view been broken, and if we now stand out against fulfilling their expectation in regard to Swaziland, we shall incur the animosity

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[28] Ibid., p. 14.

[29] Ibid., p. 15.

not only of the inhabitants of the Transvaal and the Orange Free State, but also of the powerful Afrikaner party in the Cape, especially as that party is led by Mr Hofmeyr, whose famous pledge is the origin of the present crisis.[30]

Refusal would probably mean having to abandon Rhodes and the British South Africa Company and the whole idea of British supremacy in the interior, as well as increasing Transvaal hostility towards "British capital and enterprise". In short, refusal to meet the wishes of the SAR was fraught with the gravest risk to British supremacy in South Africa.[31]

In addition, the SAR enjoyed a very strong position within Swaziland itself, as it had control of the Revenue Concession, possessed advantages because of its geographical position and its role in the Joint Government. Graham argued that the situation could be made intolerable, if not impossible, for Britain because no effective control could be exercised in the country without Republican cooperation. Force could not be considered because the War Office had declared that there was no practicable military route to Swaziland from the east coast. Hence, unless Her Majesty's Government was prepared to assume additional responsibilities and incur expenditure, the sooner Swaziland was handed back to the SAR the better.[32]

Claims by the Swazi on Her Majesty's Government were summarily dismissed by Graham[33] even though he suspected that they were

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30 Ibid.

31 Ibid., p. 16. This relates closely to the views of Atmore and Marks, 'The imperial factor', pp. 105-39.

32 Ibid., p. 17.

33 Ibid., p 19. This was contrary to British guarantees of Swaziland's independence in 1881, 1884 and 1890, Matsebula, Swaziland, pp. 61, 63 and 122.

attached to the English because of the defeat of Cetshwayo and that he had been informed the Swazi would fight rather than be handed over to the Boers. He was aware that Shepstone would advise the Swazi to favour rule by the SAR and that if the Republic received control of Swaziland, it would buy up all the concessions to make a reserve.[34]

Negotiations, therefore, should be carried out along the following lines: permission should be granted to the Transvaal to acquire sovereignty over Swaziland but the Swazis should reserve the right to govern themselves and maintain their rights to "native reserves and pasturage". On the Transvaal's part, there would be an extension of the Transvaal franchise, all Transvaal claims to the north and north west of the Republic should be withdrawn, and the Natal railway extension should be allowed to link with the Rand. Finally, he believed, if possible, that the opportunity should be used to bring the SAR into the South African Customs Union.[35] The memorandum was completed on 26 August 1892. It seems reasonable to conclude that despatches from Lagden, dated up to mid-July 1892, would have reached the Colonial Office, via Loch, before the completion of the memorandum.[36]

Lagden in Swaziland.

Lagden's stint in Swaziland officially commenced on 20 April 1892 when, after being sworn-in as the British Representative, he was accompanied by Martin, Esselen and Shepstone, to be introduced to the Queen Regent.[37] Almost from the outset, Lagden's relations with Shepstone

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[34] CO 879/438, p. 20.

[35] Ibid., pp. 21-3.

[36] CO 417/80 contains the despatches from Swaziland for this period.

[37] Lagden Papers (Wits), C 4, Swaziland, 'Official Diary of the British Resident Swaziland', 20 April 1892. It appears that the diary in the Lagden Papers is the only extant copy of the document.

were poor and soured further as the weeks passed. It would appear that they held each other in mutual contempt. An early rumour reaching Lagden stated that Shepstone had boasted that he thought Lagden to be a "very weak man easily bounced"[38] whilst Lagden noted in his diary that Shepstone's "actions since I have been here give me reason to hold him in contempt as an ill-conditioned fellow".[39]

Apart from personal antipathy, it would seem that a major cause of the problem was the interpretation that both placed on their functions in the Joint Committee. Lagden's sole task was to represent the views of the British Government vis a vís the white residents of Swaziland. He was not, as Loch reminded him, to concern himself with the Swazi.[40] Shepstone was responsible for their affairs and had to liaise fully with the Queen Regent.[41] Naturally, in practice, matters were not so clear cut and various issues and events necessitated closer cooperation. Lagden viewed this matter very widely. Shepstone's view was the exact opposite.

An outbreak of smallpox amongst the Swazi, which appears to have approached epidemic proportions, was deliberately down-played by Shepstone who repeatedly refused to officially inform Lagden and Esselen of the serious situation.[42] Similarly, Shepstone failed to inform Lagden of his decision to hang a Swazi on the grounds that it

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38 Lagden Diary, 1892, 11 May.

39 Ibid., 20 May.

40 Lagden Papers (Wits), C 2, Swaziland, Loch to Lagden, 30 May 1892; Matsebula, Swaziland, pp. 125-6; and, Garson, 'The Swaziland question', pp. 325-6.

41 Lagden Papers (Wits), Swaziland, Loch to Lagden, 30 May and 9 June 1892 make this clear.

42 Official Diary, Swaziland, 21-2 May 1892; and, Droogleever, 'Offy Shepstone', p. 205.

was of no direct concern to the British Resident.[43] Another incident which infuriated Lagden, was the decision by Esselen and Shepstone, to support one Van Staden for the vacant landdrost's post at Mahamba when, to Lagden, a British national, Adcock was a more suitable applicant.[44] Finally, a Swazi beer-drink and party, in close proximity to the British Residency, was regarded by Lagden as an attempt to make him "prejudiced" towards the Swazi.[45] Much of Lagden's thinking on such issues was influenced by Captain Bates[46], the officer commanding the local police force.

Lagden was very forthright in his numerous despatches to Loch. He complained that because of the uncertainty over Swaziland's future "the air was full of electricity".[47] He believed, and later produced conclusive evidence, that there was a wish to "breed disturbance" with a view to creating complications which the present form of Government would find difficult to handle. This state of "nervous expectation" had made "many greedy for self [and] fearful of each others movements". In an attempt to strike a responsive chord, Lagden added that "all were utterly oblivious ... to the fate and interests of the Swazi".

Loch was apologetic in that "uncertainty ... cannot be eradicated ... as to the early future"[48] of Swaziland. More specifically, Lagden should inquire into the rights of grazing concessionaires[49] and the

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43 Official Diary, Swaziland, 21 May 1892.

44 Ibid., 27 May 1892.

45 Ibid., 28 May 1892; and, Lagden Diary, 1892, 28 May.

46 As commander of the police force, Bates frequently dealt with all three members of the Committee and had access to most information and activities. His cordial relations with Lagden caused Shepstone and Esselen considerable anxiety.

47 Lagden Papers (Wits), C 1, Lagden to Loch, 16 May 1892.

48 Lagden Papers (Wits), C 2, Loch to Lagden, 30 May 1892.

49 Martin had attempted, in August 1891, to get more information on this from Shepstone but had not received a reply, Droogleever, 'Offy Shepstone', p. 204.

exact location of the Little Free State boundaries. In August 1891, Martin had discovered that Shepstone had permitted grazing rights to be turned into grazing and farming rights. Further it became apparent, that some approved concessions were not on the official list whilst others which had not been approved were on the official list. Despite several queries, Shepstone had not replied.[50]

Fearing that he might have given the High Commissioner grounds to doubt his ability to handle his position properly, Lagden assured Loch that he was doing his best to remain on good terms with all officials and that he entered fully into the spirit of the work "most carefully and cordially".[51] However, Lagden's attempts to inquire into the official concessions list led to more and greater differences with Shepstone and Esselen.

From late May 1892, until his departure from Swaziland in February 1893, Lagden was vitally concerned with the issue of concessions. It was during his efforts to unravel the complexities of concessions that he soon confirmed the duplicity of both Shepstone and Esselen.[52] Further, anticipating a Transvaal take-over of Swaziland, many officials and leading figures were allying themselves to the Republic's cause.

A chance remark by de Villiers, clerk to the Attorney-General, that the SAR Government had gained possession of the Customs Concession[53] caused Lagden, correctly, to suspect that the SAR was acquiring as many concessions as possible, in order to control Swaziland effectively. However, he was uncertain if the change in ownership had been registered by Shepstone.[54] Lagden's fears increased when he

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50 This naturally raised the suspicions of Martin and Loch.

51 Lagden Papers (Wits), C 1, Lagden to Loch, 13 June 1892.

52 Droogleever, 'Offy Shepstone', p. 168.

53 Official Diary, Swaziland, 23 May 1892.

discovered that several pages were missing from the Joint Committee book recording such details.[55] He was led to believe, by Thomas Rathbone, a trader, that the missing pages contained Mbandzeni's definition of a grazing lease and such obligations as the concessionaire had to meet. His suspicions grew when he realised that the page numbering, in pencil, was in Esselen's writing.[56]

With no accurate or full record of grazing leases, it would be impossible to enforce, in court, conditions on the graziers. There were widespread stories circulating which emphasised the right of graziers to construct permanent dwellings.[57] Lagden strongly believed that the construction of permanent buildings was not permitted.[58] However, in the context of 1892 and the desire of the Transvaal to gain sole control of Swaziland, the issue was of greater significance than usual as the vast majority of the graziers were citizens of the SAR. It is possible that Lagden knew, from Allister Miller, the erstwhile replacement for Shepstone as Adviser to the Swazi Nation, that when Conraad Vermaak, the first grazier in Swaziland had constructed a permanent dwelling, it had been deliberately destroyed on Mbandzeni's orders.[59] Hence, the erection of houses was completely against the original terms of grazing contracts. Significantly, Shepstone maintained that graziers were permitted to build houses[60] and within a fortnight of this pronouncement, Bates reported to Lagden the construction of houses by graziers in all parts of the country.[61]

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55 Lagden Papers (Wits), C 1, Lagden to Loch, 30 May 1892.

56 Ibid.

57 Official Diary, Swaziland, 2 June 1892; and, Droogleever, 'Offy Shepstone', pp. 204-5.

58 Lagden Diary, 1892, 3 June.

59 Ibid.

60 Ibid., 6 June.

61 Official Diary, Swaziland, 17 June 1892.

Following this, Shepstone deliberately 'leaked' to Lagden that the Transvaal held all the major revenue producing concessions but that some had not yet been transferred, presumably because he did not wish the Swazi to learn of the tranfers.[62] Matsebula, the Swazi historian, along with Miller, has argued that concessions were issued for life and were not transferable.[63] Hence, Shepstone's deception of the Swazi. It is also likely that Lagden was aware of why the Transvaal could afford to purchase the concessions but he does not appear to have informed Loch of the involvement of Porges and Eckstein in providing the funds.[64]

Esselen, whose initial relations with Lagden had been cordial, gradually realised that Lagden was carrying out his task as the British Resident with more energy than Martin, and posed something of an obstacle. He was well aware that Lagden was in frequent communication with Loch. Therefore, Esselen confessed that on several occasions he had wearied of the joint system of government and had recommended that the Transvaal should withdraw from the present arrangement "without prejudice". This should be seen as an attempt to get Lagden to pass on a veiled warning to Britain that the Swaziland question needed to solved soon.[65] Graham had certainly taken the hint.

By the end of June, it appears that Lagden had come to the conclusion that he could no longer trust Esselen and that he was behind much of the obstruction that he (Lagden) encountered in his attempts to obtain papers and information from the Attorney-General's office. However,

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62 Ibid., 14 June 1892; and, Lagden Diary, 1892, 14 June.

63 Matsebula, Swaziland, p. 69, argues that in Swazi law and custom, concessions were granted usufruct only for the lifetime of the concessionaire. There was no such thing as private ownership of land.

64 Miller Papers, Ms 577a, 'Swaziland in the 1880's', p. 7. Capitalist involvement is covered extensively in Bonner, Kings, commoners and concessionaires, pp. 198-206.

65 Lagden Papers (Wits), C 1, Lagden to Loch, 6 June 1892; and, Official Diary, Swaziland, 6 June 1892.

when confronted on the matter, Esselen directed conversation towards Doctor Leyds whom Esselen described as an "incompetent man ... [who was] kept in office by [the] influence of financiers and speculators ... [as] a means of serving their ends".[66] Lagden made no comment on this remark nor does he appear to have passed it on to Loch.

However, Lagden soon passed on the message of his next conversation with Esselen. As has been noted, Graham was soon informed by Loch that the Transvaal government was greatly relying on the Hofmeyr promise to Kruger in 1890 that Swaziland would go to the Transvaal if the 1890 Convention were ratified.[67] Esselen then went on to state how unsatisfactory affairs in Swaziland had become and that he believed that it would be legally impossible to force graziers to pay their licences or dues. He concluded that he personally would not pay taxes nor would he advise anyone else to do so. Lagden was now convinced that Esselen was working to destroy the joint system of government.[68]

Further events only served to convince Lagden of Shepstone's and Esselen's efforts to undermine the state of affairs in Swaziland. Penfold, Shepstone's secretary, publicly stated that the graziers had a right to build and and that there was no accurate and reliable record of graziers.[69] Further, Lagden was kept uninformed about a fresh outbreak of smallpox[70] and he learned from Penfold that Esselen had pressurised Shepstone to support van Staden's application for the Mahamba landdrostship.[71] However, a long conversation with Jackson, an Anglican missionary based at Usutu since the 1870's, convinced Lagden that the whole issue of concessions was full of duplicity and

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66 Lagden Papers (Wits), C 1, Lagden to Loch, 21 June 1892.

67 Ibid., 4 July 1892; and, Official Diary, Swaziland, 1 July 1892.

68 Lagden Papers (Wits), C 1, Lagden to Loch, 4 July 1892.

69 Ibid., 11 July 1892; and, Official Diary, Swaziland, 7 July 1892.

70 Ibid., 25 July 1892.

71 Ibid., 8 August 1892.

malpractices.[72]

Lagden reported that Jackson alluded to the fact that Shepstone had taken away his house as well as robbed him of certain concessions which he had acquired from Mbandzeni. Jackson accused Shepstone of fraud, perjury and forgery and claimed that he had hoodwinked the Joint Committee. He alleged, and Droogleever's research supports this, that when the Concessions Court had been in session, nobody stood a chance if they were in Shepstone's way, as Judge Kotze had been bribed with a concession which had since been transferred to another.[73]

It would appear, from his report of the conversation, that Lagden gave the report considerable credence. In a despatch to Loch, in which the above was noted in detail, Lagden stressed that Shepstone did not have the confidence of the Swazi and that there were many rumblings over the Royal Revenue which had dwindled to almost nothing.[74] The insinuation was that Shepstone had pocketed it. According to Miller, this amount could have been over £12 000 per annum.[75]

By mid-July Lagden was able to inform Loch about the concessions and especially on the discrepancies that he had found.[76] He believed that some of the concessions upheld by the Judges in 1891 were definitely invalid. Shepstone had pointed out that several of the confirmed land concessions had neither his nor the Swazi nation's approval. Lagden was convinced that much of the supporting data was "inconsistent and

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72 Official Diary, Swaziland, 14 July 1892. On concessions, Miller Papers, Ms 577a, 'Swaziland in the 1880's', p. 7.

73 Lagden Papers (Wits), C 1, Lagden to Loch, 17 July 1892; and, Droogleever, 'Offy Shepstone', p. 173 inclines to accept the criticisms of Kotze.

74 Lagden Papers (Wits), C 1, Lagden to Loch, 17 July 1892. Bonner, Kings, commoners and concessionaires, p. 187, argues that it was mainly Shepstone's misappropriation of the Swazi revenue, in 1887, that led to his demise and replacement by Miller.

75 Miller Papers, Ms 601, 'Swaziland lecture, 1905', p. 21.

76 Lagden Papers (Wits), C 1, 'Relation of High Court List of registered farming and grazing rights to the Registry of the Swazi Nation', Lagden to Loch, 17 July 1892.

faulty" and that the inaccuracies were probably the result of summary changes in the personnel of the Resident Advisor's Office. Understandably, Shepstone declined to identify himself with concessions granted when he was out of office. Lagden reluctantly concluded that it would be extremely difficult to "effect any satisfactory or reliable reconciliation of the several lists". He presumed that he should regard the Judges' official list as acceptable as the sole and legal list, unless it could be legally proven that any approved concession was invalid.

An immediate problem was the status of land concessions issued upon the sole authority of the Resident Adviser. Further, how valid were concessions which claimed privileges greater than when originally granted? Lagden suspected that Shepstone was deriving rent from certain concessionaires who were willing to pay for the concessions even though the grants had not yet been confirmed. He considered this action, if not ultra vires, to be calculated to ignore the Court whose function it was to decide on the validity of concessions.[77]

The plethora of information provided by Lagden undoubtedly influenced Graham and Loch. The latter confessed that:

> the account you give of the intrigues ... gives a very depressing feeling with regard to the officials of a Government that attempts to obtain them by such underhand methods.[78]

Graham concluded that:

> the South African Republic are [sic] gradually tightening their hold they have got over Swaziland through the various concessions, and that Shepstone is acting for them ... If we try to fight, we shall get beaten, without honour or advantage.[79]

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77 Ibid.

78 Lagden Papers (Wits), C 2, Loch to Lagden, 6 August 1892.

79 CO 417/80/14902, Note by Graham to Fairfield, 2 August 1892.

In assessing the importance of Lagden's work in Swaziland thus far, one can state that his findings and suspicions were accepted by both Loch and Graham, and must have considerably influenced their opinions especially as the Liberals, who won the election of 1892, wished to settle the position of Swaziland.

Lagden remained ignorant of Graham's proposals. However, his reports from August 1892 to February 1893 provided almost conclusive proof that British interests in South Africa would best be served by abandoning Swaziland to the SAR. Such a policy was anathema to Lagden.

In August 1892 Lagden learned that Martin's leave had been extended[80] and that he would have to remain in Swaziland until at least the end of the year. Affairs within the country continued to deteriorate and Lagden found himself being increasingly drawn into the struggles of rival white factions wrestling for advantages and opportunities to increase their wealth and influence. He was, after a long meeting with Miller, Shepstone's arch rival, convinced that the latter had successfully duped the Swazi.[81] Miller claimed that the Swazi would never accept SAR rule and that they remained ignorant of the purpose of the Joint Committee because Shepstone only provided information that he wanted them to have, i.e., that he was attempting to get rid of the Boers.

Later, a meeting with Shepstone led Lagden to readily believe what he had already learned from Miller.[82] Shepstone appears, probably intentionally, to have been remarkably frank and open. He claimed that he hoped to be present at the proposed meeting between Loch and Kruger in October 1892 when he would represent the Swazi nation. He fully expected to see Swaziland given to the SAR and the Swazi to accept the decision if he recommended it. He acknowledged that the Swazi were

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80 CO 417/81/15493, Loch to Lagden, 5 August 1892.

81 Official Diary, Swaziland, 23 August 1892.

82 Ibid., 29 August 1892.

ignorant about the Joint Committee and only trusted him. He would guide the chiefs who would, in turn, guide the people. He concluded by adding that he hoped the country would go to the SAR and that he would be able to return to Natal as the present form of government was "useless without laws".[83] Soon after this, when Loch had been recalled for negotiations in London, a jubilant Shepstone saw his financial difficulties ending and making it possible for a return to Natal. He told his lawyer Barnes that:

> You can see I have been pulling the strings ... I have worked like a trooper and am behind the scenes and the result is certain as well as landing the secret service stakes money. If this is settled - apart from money - my properties here will be worth an immense amount ... It only wants a settlement.[84]

Shepstone further informed Lagden that if Britain allowed the SAR to take Swaziland:

> the Race feeling in the SAR would cease and the value and security of the millions invested by British subjects in Gold and Land would be doubled and worth thousands of times more than Swaziland if you were giving away the nut as well as the kernel.[85]

However, to further the cause, Lagden was convinced that Shepstone was applying devious means to hurt pro-British concessionaires.[86] Such people were being forced to promptly meet all present and past obligations. Those friendly to the SAR were not being taxed. Lagden was not able to substantiate this claim.

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83 Ibid.

84 Offy Shepstone Papers, II, Shepstone to Barnes, 18 September 1892.

85 Lagden Papers (Wits), C 3, Shepstone to Lagden, 14 September 1892.

86 Ibid., C 1, Lagden to Loch, 29 August 1892. Lagden believed that only those concessionaires opposed to Shepstone were being taxed.

The refusal of Dr Esser, the Attorney-General of Swaziland, to pay duties on imported goods provoked, what appeared to Lagden to be a deliberate crisis designed to challenge the joint system of government.[87] Esser argued that there was no law to compel him to pay the duties. This argument had been used by Esselen whilst in conversation with Lagden. The latter was adamant, despite opposition from both Esselen and Shepstone that the Joint Committee take the same steps against Esser as it would against any other individual.[88] Lagden was convinced that Esser had been put-up, by Esselen, to defy the Government to deprive it of urgently needed funds, and force Britain to make a decision on Swaziland's future. Lagden regarded this as a personal affront as well as a challenge to the Joint Committee. In late August, with winter ending and presumably many graziers departing to the Transvaal, grazier rights were again to the fore. Shepstone pleaded that he was powerless to prevent the graziers from building and ploughing on their concessions.[89] He considered it only a matter of time before the Boers would claim Swaziland by virtue of possession and then force alone would remove them. He believed that nobody contemplated that the British Government would ever exert force to remove them. The smallpox epidemic of the winter months had stalled a major Boer occupation for the time being. Much of this was reiterated to Lagden by Penfold who appears to have had more amicable relations with Lagden than most other Government officials.[90] They fished together on occasions.

Typically, with the intrigues of concession politics, came the counter-intrigues. Rathbone[91], a trader and concession holder, as well as a

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87 Ibid., Lagden to Loch, 2 September 1892.

88 Official Diary, Swaziland, 30 August 1892.

89 Ibid., 31 August 1892; Lagden Papers (Wits), C 1, Lagden to Loch, 4 September 1892; and, Droogleever, 'Offy Shepstone', pp. 204-5.

90 Official Diary, Swaziland, 10 September 1892.

91 Ibid., 31 August 1892.

critic of Shepstone, claimed that the Swazi were in absolute ignorance of the actual state of affairs but that real trouble would come when the young king exerted his authority and started inquiring about the Royal Revenue which Shepstone withheld for his own use. Whilst there appears to be no documentary proof of this, the Colonial Office was certain that Shepstone was misappropriating funds due to the Swazi.[92]

Realizing the situation whereby many government officials were abusing their positions and acting, in Lagden's opinion, against British interests, he became rather despondent and frustrated. He saw himself as the sole upholder of British influence and fully perceived the weakness of his position. His diary entries clearly reveal his feelings:

> I feel that the whole Government service is a prostitution of duty ... they are all much disappointed that their hopes of getting the country ceded to the Transvaal have not yet been fulfilled and that they naturally attempt to vent their spleens upon the British representative because he is the obstacle.[93]

As Lagden could do little to counter the Transvaal's bribery and influence, he blamed his own government for not supporting her colonists in acquiring their share of the spoils.[94] All along, it must be stressed, Lagden was far more concerned with the rights of British colonists than those of the Swazi. He did not extend his sympathy with the Basotho to the Swazi.

Revenue became an increasingly critical issue. As Droogleever has noted, concessions denied a large portion of revenue to the government and what revenue was raised from taxes and licences was insufficient to

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92 Apart from Lagden's insinuations, CO 417/80/14902. On Lagden to Loch, 23 May 1892, Graham noted that as Shepstone held the power of attorney to work the Private Revenue Concession in favour of the owner: "Must pay King £12 000".

93 Official Diary, Swaziland, 17 September 1892.

94 Ibid., 19 September 1892.

cover expenditure.[95] The amount raised for the half-year ending in September 1892, totalled £1 000 whilst previously it had been £1 490.[96] In addition, Shepstone and Esselen reckoned that revenue raised from grazing licences was illegal and should be refunded. Further, Esser's refusal to pay import duties threatened to drain the Joint Committee of all funds. Reports from Scott, a Customs clerk, that Shepstone and Esselen had been encouraging concessionaires not to pay taxes, greatly alarmed Lagden.[97] He was convinced that the withholding of taxes that this and the refusal of de Villiers to permit him to examine papers and accounts held in the Attorney-General's office, led him to believe that it was all part of a "deliberate plan" of obstruction intended to influence "those who are now concerned with the future of Swaziland".[98]

De Villiers maintained that unless he had the approval of Shepstone and Esselen, then Lagden could not have access to the documents required. Lagden, to use a favourite phrase of his own, "gave vent to his spleen":

> The whole abomination is almost humourous than disgusting ... They are but a lot of scurvy dogs to keep their oily tongues for me and their dirty abuse and plots for themselves and the gutters they wallow in, a more contemptible lot of unmitigated scoundrels and liars, it would be hard to meet.[99]

In his private diary, surprisingly, Lagden showed more restraint and noted that "This abominable attitude is absolutely revolting but I must

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95 Droogleever, 'Offy Shepstone', p. 187.

96 Official Diary, Swaziland, 1 October 1892; and, Lagden Papers (Wits), C 1, Lagden to Loch, 1 October 1892.

97 Ibid.

98 Lagden Diary, 1892, 19 October; and, Lagden Papers (Wits), C 1, Lagden to Loch, 19 October 1892.

99 Official Diary, Swaziland, 19 October 1892.

see it through".[100]

When Lagden encountered Shepstone, in Bremersdorp, the latter claimed that January 1893 would see the cession of Swaziland to the Transvaal.[101] He was confident that neither Loch nor Martin, both on leave in England, would return and that Kruger would not agree to the renewal of the Joint Committee. He boasted that the Transvaal had everything in its hands by way of concessions and that it would be impossible for Britain to move into Swaziland. The Boers would fight. And, as if to irk Lagden further, he claimed British interests to be a myth.[102] Lagden was aware of this.[103] In a letter to Barnes, Shepstone went so far as to boast that Loch had been recalled for his opposition to his (Shepstone's) plans.[104]

Despite the major rift in the Joint Committee, Lagden insisted that Esser be charged in the High Court. He was bent on upholding the prestige of the government and to assert its authority so as to "prevent [the] drift into chaos".[105] He (Lagden) launched into a bitter attack on Esser and accused him of a "breach of confidence" and argued that his actions had not been "honourable or justifiable".[106] A further revenue problem was that it had become clear that although the Swazi had paid pass fees, the revenue accrued had been collected by Shepstone but was not reflected in government accounts.[107]

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100 Lagden Diary, 1892, 19 October.

101 Official Diary, Swaziland, 2 November 1892.

102 Ibid.

103 CO 417/83/23758, Lagden to Cameron, Acting High Commissioner, 6 October 1892.

104 Offy Shepstone Papers, II, Shepstone to Barnes, 18 September 1892.

105 Official Diary, Swaziland, 15 November 1892.

106 Ibid.

107 Ibid.

When the next session of the Joint Committee met, Lagden deliberately provoked both Esselen and Shepstone by tabling a motion inquiring "whether the Committee were, as a whole, in sympathy with its own interests".[108] Lagden noted that he "spoke out very freely" and that he had no doubt of the conspiracy amongst them "to barter the British Government out of money".[109] Esselen, obviously shaken by the outburst, professed "regret" about what had happened.[110] No doubt, he feared diplomatic repercussions. Shepstone, along with Penfold and Esselen, hurriedly departed for a sudden visit to Pretoria.[111]

Immediately after Shepstone's departure, Morris, a concessionaire, called on Lagden to report not only Shepstone's departure but also his "good reason" for believing that the Swazi were about to fight amongst themselves, and that a "serious crisis" was impending. He believed that the Boers would be called in to stop "the row".[112] This was followed by the sudden appearance of Thorburn, who reported that the Swazi were very unsettled about many matters with Shepstone and might, at any time, show their feelings.[113] To complete a busy day, Lagden later received word that Esser had informed the Government Secretary that he was withdrawing his opposition to paying customs duty.[114] Payment was made a few days later.[115]

The prevailing state of affairs at the end of November 1892 was entirely blamed on Shepstone. In a long despatch to Bower, Private

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108 Official Diary, Swaziland, 24 November 1892.

109 Lagden Diary, 1892, 22 November.

110 Ibid., 23 November.

111 Ibid., 25 November.

112 Official Diary, Swaziland, 25 November 1892.

113 Ibid.

114 Ibid.

115 Ibid., 28 November 1892.

Secretary to the High Commissioner[116], Lagden reported the arrest, by the Queen Mother, of several indunas for treason and the prevalence of much "uneasiness" caused by the "alleged withholding of monies due to the sovereign power". He argued that Shepstone had the power to:

> promote quarrels ... and I have no hesitation in believing that he will, if it suits his purpose to do so. I doubt if he has the power to stop [the] fighting if it commenced.[117]

Shepstone had, Lagden believed, a big stake in successfully steering the course of the cession of Swaziland to the Transvaal. He concluded that:

> His [Shepstone's] alliance with my Transvaal colleague, the nefarious grasp he practically has upon the whole official staff, and the possession of the Registry of Deeds gives him the power and position of a Despot which he is exercising to the full, and the bulk of British adherents are labouring under it.[118]

A further difference between Lagden, on the one hand, and Shepstone and Esselen, on the other, developed when the latter, still in Pretoria, sent Lagden a telegram asking him to confirm their selection of Dr MacLachlan as the new medical officer.[119] Although Shepstone and Esselen were entitled to elect MacLachlan, the manner of his appointment, must be seen as a deliberate ploy to anger Lagden, given his mood at the time. In this, they were successful. A furious Lagden noted that this was yet "another attempt to strain relations, produce friction and exert pressure".[120]

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116 Lagden Papers (Wits), C 1, Lagden to Bower, 27 November 1892.

117 Ibid.

118 Ibid.

119 Official Diary, Swaziland, 1 December 1892.

120 Ibid.

Rumours continued to circulate. One alleged that Shepstone was guilty of misappropriating funds received from transfer dues. Many others suggested serious unrest amongst the Swazi.[121] Morris informed Lagden that he had been advised by an induna to move his wife from Swaziland before impending troubles.[122] Royston, another of the concessionaires, reported that many Swazi were "thirsty" to drive the Boers out but were unaware of Shepstone's links with the SAR. He claimed that they still trusted Shepstone and considered him to be true to them and opposed to the Boers. However, most whites favoured the SAR because they held all the land under concession and when they held all the country under concession, would convert it into freehold tenure.[123]

Whilst Lagden took all these reports seriously, perhaps too seriously, he became very alarmed on 18 December when he received yet another visit from Miller who claimed that he had been summoned by the Queen Regent and had been interviewed by her, the Queen Mother and young king.[124] They were very anxious to find out why Shepstone had left for Pretoria so hurriedly and unexpectedly. Also, Miller alleged that they professed to have "misgivings" about Shepstone. Finally, they wanted Miller's advice. They claimed, according to Miller, that they mistrusted Shepstone and were afraid of the Boers coming. If they did, they would forcibly prevent them or die. Adding more drama to the incident, Miller alleged that Shepstone might deploy a Boer force on the border with Swaziland and force the Swazi to rebel and thereby necessitate the intervention of SAR forces. Lagden appears to have accepted Miller's account and informed Loch, recently returned to Cape Town, that he considered Shepstone's position to be so "critical" and "desperate" that he would do anything to create a "diversion from

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121 Ibid., 14 Septmber 1892.

122 Lagden Diary, 1892, 18 December.

123 Official Diary, Swaziland, 15 December 1892.

124 Ibid., 18 December 1892.

himself".[125]

Remembering his duties as the British representative on the Joint Committee, Lagden advised Miller that it was his duty, as British representative, to support Shepstone as long as he remained Advisor to the Swazi.[126] Further, he stressed that there was "no foundation, at present, for the popular belief that Swazis would be handed over to the Transvaal" and that if he had the opportunity, he would tell them so.

Loch replied immediately but obviously chose to humour Lagden and calm him down.[127] He agreed that there might be much in Miller's report, especially about the doubts raised in the minds of the Queen and her indunas, but he was "pretty certain" that Kruger would not risk anything calculated to cause such excitement in Swaziland. Therefore, Lagden was to continue with the Joint Committee, and, if he had any communications with the Swazi, he was to say that Her Majesty's Government were not unmindful of the interests of the Swazi nation. This was the only information Lagden had of Swaziland's future.

In late December 1892, Bremer[128], a wealthy trader, admitted to Lagden that he was owed £1 000 by Shepstone and had refused to accept a cheque because the Standard Bank in Barberton refused to honour Shepstone's cheques.[129] He also added that, unlike Shepstone, he did

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125 Lagden Papers (Wits), C 1, Lagden to Loch, 18 December 1892.

126 Official Diary, Swaziland, 18 December 1892.

127 Lagden Papers (Wits), 28 December 1892.

128 Official Diary, Swaziland, 28 December 1892.

129 The Standard Bank Archives are unable to substantiate this. Surviving records do not mention the Barberton branch refusing to accept Shepstone's cheques, nor do they refer to Shepstone receiving monies from the SAR. The day-to-day transaction records have not been kept. I am indebted to Barbara Conradie for this information (Personal Communication, 11 November 1988). However, the recently published work The confidence of the country. Standard Bank reports on economic conditions in Southern Africa 1865-1902, p. 285 states: "There is good reason to suppose that Mr T Shepstone has received considerable sums from the Transvaal Govt [sic] for obtaining many of the Concessions".

not think the Swazi would accept SAR rule. Probably as a result of this, Lagden informed Loch that if he believed the evidence and opinions of men with "sound and sober senses [who] knew the country", the Swazi would not consent to incorporation with the SAR without a hard struggle.[130]

1893 began with the introduction of Bhunu, the young King, to the Swazi nation.[131] At Shepstone's insistence, white presence was excluded. Of direct concern to Lagden was the report put out by John Gama[132], a Swazi employee of Shepstone, that Lagden and Bates were attempting to poison the mind of the British Government against Shepstone[133] and were attempting to create distrust of Shepstone amongst the Swazi. A report from Scott alleged that Shepstone had, whilst in Pretoria, received £2 000 from the SAR Government to assist him with his financial problems.[134] Further, Bremer was offered by the SAR Government, £8 500 over five years for his trading concession.[135]

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130 Lagden Papers (Wits), C 1, Lagden to Loch, 3 January 1893.

131 Official Diary, Swaziland, 1 January 1893; and, Matsebula, Swaziland, pp. 122-4. A feature of this which needs to be stressed is that the choice of Bhunu as successor to Mbandzeni gave rise to misgivings amongst some traditionalists as his mother, Labotsibe ni, was from the Mdluli which was not one of the clans which normally provided the Queen Mother, see C Webb and JB Wright (eds), The James Stuart Archive, I, p. 144. They also note that Masumpa's claims were far stronger than Bhunu's [Ngwane] but as the national leaders wished to avoid a long regency at a time of strained relations with the SAR they selected as main wife and future Queen Mother Gwamile Mdluli [Labotsibeni] whose son, Bhunu, aged 16 years, was the eldest of Mbandzeni's male heirs.

132 Gama was born in Swaziland in 1841 and educated at Edendale in Natal. He was employed by Shepstone, Webb and Wright, Stuart Archive, I, p. 132.

133 Official Diary, Swaziland, 2 January 1893; and, Offy Shepstone Papers, II, `Statement by O.S.' [sic], 12 Janauary 1893.

134 Official Diary, Swaziland, 2 January 1893.

135 Ibid.

As a result of Gama's charges against Lagden, Bates and Lagden suspected that Shepstone had copies of all the despatches sent to Cape Town. Lagden was not sure of this.[136] Wisely, Lagden insisted that Bates should accompany Miller on any further trips to the Queen Regent because he feared more complications.[137] Indeed, after being accused of sedition by Shepstone, Bates was in fact charged and taken into Bremersdorp to await trial.[138]

When Miller returned from a visit to the Queen Regent he reported that she believed Shepstone to be extremely anxious to meet all the chief indunas.[139] This matter puzzled and concerned Lagden as did an earlier development when Scott had reported that Shepstone had offered him a post as Bank Manager at £1 000 per annum after the cession of Swaziland to the SAR.[140]

Meanwhile, Shepstone had written to Lagden and taken him to task over his outburst in the committee meeting. He argued that Lagden had "exhibited a great want of courtesy ... you deliberately insulted us".[141] Of course, that had been Lagden's intention. Unfortunately, considering the delicacy of the situation, it was one which he would later regret. Loch had already indicated that he had been in direct contact with Esselen over the matter[142], and also that as soon as Martin arrived in Cape Town, he would immediately leave for Swaziland to relieve him.[143]

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136 Ibid., 5 January 1893. This was strongly denied by Loch, Lagden Papers (Wits), C 2, Loch to Lagden, 21 January 1893.

137 Official Diary, Swaziland, 6 January 1893.

138 Lagden Diary, 1893, 7 January.

139 Official Diary, Swaziland, 9 January 1893.

140 Ibid., 18 January 1893.

141 Lagden Papers (Wits), C 3, Shepstone to Lagden, 17 January 1893.

142 Lagden Diary, 1893, 12 January.

143 Official Diary, Swaziland, 1 February 1893; and, Lagden Diary, 1893, 17 January.

Both Lagden and Bates believed that the charges of sedition being levelled against the latter were designed to prove that Lagden was interfering in Swazi national affairs. This came to the fore when an editorial in the Barberton Herald accused Lagden of intriguing with the Swazi. Lagden considered the editorial to be "violent, abusive and lying".[144] Entitled "The British Commissioner at Bremersdorp" it was claimed that the Joint Committee had been working well until Lagden replaced Martin. Lagden had, it claimed, thrown himself "into the arms of the few Jingoes that were left in Swaziland". As a result, instead of the earlier "perfect working order" every man was "against ... his neighbour". Lagden had decided to "make things disagreeable to everyone ... No doubt Mr Lagden's small-minded policy [was] an offshoot of the experiences under Sir Owen Lanyon". The editorial then took Lagden to task for "employ[ing] men of known violent opinions" to disturb the Swazi and upset Mr Shepstone's work!

The editorial reassured readers that Shepstone had the Swazi under control and that Loch should disregard Lagden's reports and Swazi unrest so as to prevent relations between Britain and the SAR from becoming "strained". It concluded:

> We can but join the general belief of the whites in Swaziland that the sooner Colonel Martin returns to his charge at Bremersdorp, the better it will be for Blacks, Boers and British.

Droogleever has identified Penfold, Shepstone's secretary, as being responsible for the editorial.[145]

A report by Miller informed Lagden that Shepstone was preparing for a major meeting of the leading people of the Swazi nation.[146] It was intended to inform them that the "English [sic] Government" were about

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144 Barberton Herald, 10 January 1893.

145 Droogleever, 'Offy Shepstone', pp. 208-9.

146 Official Diary, Swaziland, 31 January 1893.

to retire, "having thrown away the Swazi". It would, he said, be foolish to think of the English anymore. The Swazi would be left entirely in Shepstone's hands and he would recommend that they "give themselves over to Piet Joubert[147], who was their friend". This disturbed Lagden greatly as he was, at Loch's instruction, doing everything he could to help Bates refute his charge of sedition. Further, he was unsuccessfully attempting to arrange a meeting with the Queen Regent for Martin.[148] Such meetings had to be arranged by Shepstone but he refused to cooperate.[149]

In an endeavour to make some progress in Bates's case, Lagden met Shepstone. The latter alleged that the Swazi had been told by Bates that "the Boers were coming" and that they had "better kill off the Dutch".[150] Lagden then posed a series of pertinent questions. If the charges were true, why had Lagden not been informed directly? Also, why were there no details of the charges? Further, why had there been no Committee meeting to discuss the whole issue?[151] All that Lagden could obtain was that the charges were based on John Gama's report that Bates had been intriguing with the Swazi and that further arrests would be made.[152] The charges were obviously linked to efforts by Bates to ascertain, on 27 November 1892, if there was any foundation to rumours that the Swazi were dissatisfied with punishment given by Shepstone to two indunas.[153]

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147 On Joubert, see, Matsebula, Swaziland, p. 81; and, Dictionary of South African Biography, I, `Petrus Jacobus Joubert', JS du Plessis, pp. 412-7.

148 Official Diary, Swaziland, 2 February 1893.

149 Droogleever, `Offy Shepstone', pp. 209-10.

150 Official Diary, Swaziland, 1 February 1893.

151 Ibid., 2 February 1893.

152 Ibid.

153 Droogleever, `Offy Shepstone', p. 208.

Martin eventually arrived on 16 February 1893. He decided against seeing the Queen Regent immediately because of the death of Unandi, the eldest daughter of Mbandzeni on 14 February.[154] Thereafter, Esselen held a private meeting with Martin. This disturbed Lagden greatly.[155] The absence of any meeting of the Joint Committee worried Lagden. He was convinced that there was "too much infernal chicanery going on". He strongly suspected that no decisions would be made until he had left Swaziland.

Communications between Cape Town and the Colonial Office clearly reveal how the situation changed dramatically in a matter of weeks. Cameron, acting as High Commissioner, informed Ripon, the Colonial Secretary, that it was obvious from Lagden's despatches that certain Swaziland officials were "inclined to hinder rather than aid" the Joint Committee and were advancing the interests of the SAR.[156] On 28 December, Loch admitted that it would be very difficult to get police reinforcements into Swaziland through Zululand because of wet conditions and the prevalence of malaria. Also, he believed it "undesirable to hasten" the conference with Kruger.[157] On 2 January 1893, after serious thought and consideration, he informed Ripon that he felt it was impossible to continue the Joint Committee because of "geographical" and "finances"[158] reasons. Therefore, he was of the opinion that:

> subject to the acceptance of the SAR of certain conditions, it is desirable upon the grounds of good faith and political expediency that Her Majesty's Government should consider such questions as the Government of the SAR may bring before it, with a desire to meet

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154 Ibid., p. 209.

155 Lagden Diary, 1893, 16 and 17 February.

156 CO 417/85/24617, Cameron, Acting High Commissioner, to Ripon, 6 December 1892.

157 CO 417/85/776, Loch to Ripon, 28 December 1892.

158 CO 417/85/776, Loch to Ripon, 2 January 1893.

the wishes of the SAR as far as possible.[159]

Lagden's stint in Swaziland thus ended in a most unsatisfactory manner for him but relief to Shepstone. His outburst in the Joint Committee meeting resulted in a crisis which Loch was very keen to play down.[160] He was far more concerned with Bates than Lagden. Whilst it would be an exaggeration to state that he left in disgrace, the outburst definitely allowed Esselen to take issue with Loch and put the High Commissioner on the defensive and cause him to move Lagden back to Maseru as soon as possible. In many ways, this was unfortunate because he had applied himself very conscientiously and with much energy. Certainly, he exposed the duplicity and double-dealing of Shepstone and Esselen. However, his lack of tact and inability to control his temper revealed a serious shortcoming.

It was ironical that Lagden's efforts in demonstrating the dubious efforts of the SAR should have helped convince Loch, Graham and Ripon that British interests in Swaziland should be sacrificed in the interests of regional policy. Nevertheless, it was probably a much relieved Lagden who returned to Maseru to be re-united with his family[161] and resume his familiar duties under Clarke.

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159 Ibid.

160 I have found no record in the CO 417 series of Lagden's outburst. Presumably, Loch did not want to complicate matters. This would explain Martin's immediate return to Swaziland, his communications with Esselen and his reticence to reach an agreement with Esselen and Shepstone until after Lagden's departure. Further, one can speculate that Martin hinted at changes in policy over Swaziland which would ultimately result in the Second Swaziland Convention of 1893, Matsebula, Swaziland, pp. 127-8.

161 Lagden Diary, 1892, 8 December.

CHAPTER 4

BASUTOLAND 1893 - 1897

Lagden returned from Swaziland in March 1893. He was to remain in Basutoland until the end of 1900. Shortly after his return, Clarke was informed by Loch that he was required for duty in Zululand.[1] He was to be seconded for an indefinite time. Indeed, it was only in early 1898 when Zululand had been transferred to Natal that Clarke's fate was decided. The then High Commissioner, Sir Alfred Milner, believed that Lagden had the confidence of the Basotho and that any change in Resident Commissioner would result in needless anxiety and insisted that Lagden remain in Maseru whilst a position for Clarke be found elsewhere.[2]

Lagden Acts as Resident Commissioner.

Soon after Lagden's return, upon Loch's suggestion, the Colonial Office considered him for an award on account of his services in both Basutoland and Swaziland.[3] On 1 January 1894, he became a CMG.[4] Earlier on, Lagden's request for a salary increase was granted. He received a salary of £750 per annum, of which £150 was to be personal to Lagden[5], i.e., other assistant commissioners could not expect the

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1 CO 417/96/9932, Note by F Graham, 17 June 1893. Initially, it was anticipated that Loch required Clarke for 8 or 9 months. However, it soon became apparent that no one was sure when, if ever, Clarke would return to Basutoland. Also, Lagden Papers (Wits), E, Zululand, Clarke's letters to Lagden in 1893 and 1894 passim.

2 CO 417/225/27789, Note by H Just to F Graham, 18 December 1897; and, CO 417/248/4110, Note by H Just to F Graham, 25 February 1898.

3 CO 417/93/5468, Note by F Graham, 22 April 1893.

4 Lagden Papers, Mss Afr S, 209/1/1, High Commissioner to Lagden, 1 January 1894.

5 Ibid., High Commissioner to Clarke, 31 May 1893.

same treatment in the future.

Despite a petition from Lerotholi and other leading chiefs that they did not want Clarke to go to Zululand[6], Clarke departed in late July 1893. Lagden was appointed to act as Resident Commissioner in his place whilst FR Enraght Moony, a former member of the Basutoland Mounted Police, replaced Lagden as Secretary and Accountant. Herbert Sloley, the most experienced commissioner, was regarded as indispensable in Leribe, even though Clarke noted that he was the most suitable and qualified person to replace Lagden.[7]

The last years of the nineteenth century proved to be very traumatic and explosive in Southern Africa. They were years of rapidly increasing political, economic and racial tensions. The basic cause of much of this conflict was the great imperialist drive of Britain to gain possession and control over the gold industry of the Transvaal.[8] Hence Bechuanaland, Matabeleland, Mashonaland and territory beyond the Zambezi were also brought within the Imperial orbit at the expense of the local African people. The defeat of the Ndebele in 1893 caused Clarke to state that many whites believed "that in maxims and machine guns are to be found the solution of the native question and all its difficulties".[9] Racial attitudes were to worsen more when the irresponsible Jameson Raid into the Transvaal provided the opportunity for the ill-treated and misgoverned Ndebele and Shona to rise in

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[6] CO 417/96/11979, Enclosure, Lerotholi and other chiefs, to High Commissioner, 19 June 1893. Graham noted: "A most gratifying testimonial to Sir Marshal Clarke".

[7] CO 417/97/14202, Clarke to High Commissioner, 3 July 1893.

[8] For a brief survey, TRH Davenport, South Africa. A modern history, 3rd ed, pp. 202-11.

[9] Lagden Papers (Wits), E, Zululand, Clarke to Lagden, 30 January 1894.

rebellion against Rhodes and the British South Africa Company.[10]

Events in the Transvaal and across the Limpopo had direct repercussions on Basutoland. The increased tension between Kruger and the Imperial Government led to increased animosity and anxiety throughout South Africa. Thousands of Basotho workers were reported to have left the Rand and hastened home.[11] The conflict in Matabeleland and Mashonaland was closely followed by many Basotho and caused Basutoland's white residents concern and tension.[12] Much of this appears, in retrospect, to have been imaginary rather than real, though, as André Odendaal has suggested, the Basotho were well informed of political events in the Cape especially by the South African Native Congress.[13]

However, the most serious trials and problems that the Basutoland administration had to face came from a series of natural disasters culminating in the rinderpest epizootic in 1896-7. These events greatly undermined Basotho independence and confidence and inflicted increasing poverty and suffering. Drought, a perennial problem for the Basotho peasantry, was particularly severe in 1894-5[14], whilst there were serious locust invasions causing much destruction of crops and

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10 For a brief summary, TO Ranger, (ed), Aspects of Central African History, 'African politics in Twentieth Century Southern Rhodesia', pp. 210-8.

11 BAR, 1896-97, p. 3.

12 Lagden Diary, 1896, especially entries for April. On 27 April Lagden noted: "Things rather jiggy all round. I think the natives are everywhere in South Africa much unsettled owing to the Matabele and other racial disturbances".

13 A Odendaal, 'African political mobilisation in the Eastern Cape, 1880-1910', Unpublished Ph D thesis, Cambridge, 1983, makes several but brief mentions of contact between the Cape and Basutoland.

14 BAR, 1894/5, p. 7.

vegetation.[15] Rinderpest, a cattle disease which destroyed hundreds of thousands of cattle, African and white-owned, was not only an economic catastrophe, but a great threat to Basotho social and political life.[16] It produced dramatic immediate and long-term changes for the various Basotho clans as well as the Administration. Indeed, as Charles Ballard[17] has stressed, natural factors were as much responsible for undermining African peasantries, as any other factors.

In short, when Lagden assumed the Resident Commissioner's post in mid-1893, he not only inherited the perennial land and chiefdom disputes, especially those of the new paramount Lerotholi, but had to face a series of challenges and threats equalling those of 1884. In order to present a coherent picture of Lagden's activities and involvement, a thematic approach follows, concluding with a general survey of the Basutoland situation around mid-1897.

One of the most serious struggles that Lagden had to tackle was the attempt by Maama to threaten and challenge the paramountcy of Lerotholi. In this struggle, Jonathan maintained a strictly neutral stance whilst Masopha repeatedly supported and encouraged Maama. Both Lagden and Lerotholi realised that to take drastic and decisive action against Maama would probably lead to a superior grouping of chiefs combining against Lerotholi. As has already been shown, the British Administration had successfully "stage-managed" Lerotholi's succession but, as yet, he had not attempted to assert his paramountcy over his

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15 BAR, 1892/3, p. 5. Also, CO 417/103/20020, Annual Pitso, 12 October 1893, Moony warned the Basotho about the locust danger.

16 C van Onselen, `Reactions to rinderpest in Southern Africa 1896-7', Journal of African History, 18, 3, 1972, pp. 473-88.

17 C Ballard, `The repercussions of rinderpest: cattle plague and peasant decline in colonial Natal', private paper, 1984, p. 3. He states: "Climatological and epidemiological forces were more than contributing factors to peasant decline. They ... were powerful catalysts or in some cases determinants in themselves".

challengers.

Lerotholi had three major handicaps to overcome. First, during the last years of Letsie's paramountcy, Maama had been granted extensive privileges regarding land usage in the Korokoro district of Berea, land specifically designated to the Paramount.[18] This was utilised by Maama for the grazing of the extensive herds of cattle he kept on behalf of the Paramount and the nation. Letsie's other sons maintained similar herds on behalf of their father. Secondly, Lerotholi was quite obviously the Administration's choice as Paramount but not the legitimate heir.[19] Hence, he was more vulnerable to challengers than previous paramounts, especially as the custom of "eating-up" one's enemies was all but removed by the Administration.[20] Thirdly, Lerotholi had a serious drinking problem.[21] Whilst he may not have been an alcoholic, he certainly displayed frequent bouts of heavy drinking which incapacitated him and restricted his ability to conduct normal duties. So serious was the problem that, in 1894, the Colonial Office seriously considered presenting Lerotholi with an ultimatum that if he persisted with his drinking bouts, he would be removed from the paramountcy.[22] Certainly, Clarke believed that Lerotholi's drinking was partially the cause of many of the disputes, in that he made decisions, whilst under the influence of alcohol or was incapable of making decisions.[23]

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18 BAR, 1892-3, pp. 4-5; and, BAR, 1893-4, pp. 4-5.

19 Lagden, The Basutos, pp. 583-6.

20 This was detailed in most annual reports. Also, CO 417/117/8143, Lagden to High Commissioner, 11 April 1894.

21 BAR, 1892-3, p. 4; and, BAR, 1893-4, p. 4.

22 CO 417/117/8143, Fairfield to Ripon, 15 May 1894.

23 Lagden Papers (Wits), E, Zululand, Clarke to Lagden, 30 January 1894.

Lerotholi had made the first tentative moves to assert his rights in 1892 whilst Lagden was still in Swaziland.[24] As he attempted to gain control over the national herd and the Korokoro district from Maama, and to allocate privileges and rights to his own sons, he soon found that Masopha and many of the minor chiefs rallied to Maama's support.[25] Realising his opportunity to retain his privileges, Maama, supported by Masopha and Joel, as well as others, but excluding Jonathan, sent a petition to Clarke claiming that they were "being deprived of their rights ... [and were being ruled] not according to law but by favour".[26] This attitude infuriated Lerotholi who took up arms and determined to destroy Maama. However, he was prevented from attacking Maama by Clarke who was able to persuade both parties to agree to a pitso, where according to Lagden, "the pretexts advanced [by Maama] were [shown to be] illusory".[27] However, probably because of the delicate situation and the hope that Maama would back down and cooperate, Clarke preferred to adopt his well-worn policy of "masterly inactivity"[28] even though personal relations between Lerotholi and Maama were poor and "reconciliation ... [was] improbable".[29]

Clarke's "settlement" of the Lerotholi - Maama dispute had solved nothing and, as their lands and spheres of jurisdiction were adjacent, there was constant friction. Frequent alleged violations by Maama

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24 BAR, 1892-3, pp. 4-5.

25 Ibid., p. 4. Also Lagden, The Basutos, pp. 584-5.

26 CO 417/97/13824, Chiefs (Masopha, Maama, Joel and younger sons of Letsie) to Clarke, 24 June 1893.

27 BAR, 1892-3, p. 4. The report was compiled by Lagden as Clarke had already departed for Zululand. Also, CO 417/96/11308, Clarke to Loch, 6 June 1893.

28 The term was coined by Lagden to describe Clarke's policy. From the context, no malice was intended, Lagden Papers, Mss Afr S, 2034, Letterbook, Lagden to Clarke, 11 February 1894.

29 Lagden Papers (Wits), E, Zululand, Clarke to Lagden, 20 October 1894.

caused Lagden to personally investigate the complaints.[30] However, in a bungled move, Lerotholi engaged the services of his younger brother, Bereng, to advance on Maama whilst he was involved with Lagden carrying out an investigation. Naturally, Maama and followers prepared to resist Bereng's threat. Thereupon, Lerotholi charged Maama with arming to resist the Paramount, refusing to obey a summons to the Paramount's court and with violating the mountain boundary. In the meantime, both sides successfully carried out cattle raids. At this stage, Lagden was requested by Lerotholi to intervene.[31]

Lagden immediately sent both parties home and organised a pitso of all the leading chiefs, including Masopha and Jonathan. There were three days of exhaustive testimony. Realising the gravity of the situation, as well as the opportunity to show his concern and impartiality, Lagden decided to punish both Maama and Lerotholi. The former was condemned for his "irritating and contumacious attitude ... [which] contributed mainly to the disturbance"[32], whilst Lerotholi's method of action was also criticised in that he should have given some credit to Maama for eventually responding to the Paramount's summons and that his use of Bereng's armed supporters, after handing the case over to Lagden, was a serious offence. Hence, both were fined twenty head of cattle. Such a judgement would have won Lagden the support of Masopha which was essential as Lagden surmised that Maama had considerable popular support.[33]

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30 BAR, 1893-4, pp. 4-5. Also, CO 417/100/17432, Notes by Fairfield, 17 October 1893: "Mr Lagden inherits Sir M C's [sic] talents".

31 BAR, 1893-4, pp. 5-6. Also, CO 417/112/2705, Lagden to Loch, 18 January 1894. This is a long account of affairs and justification of the actions taken against Lerotholi.

32 BAR, 1893-4, pp. 5-6.

33 Lagden Diary, 1894, 11 and 12 January.

In August 1894, "the crisis of this intrigue ... was reached".[34] The actual incident was relatively minor. A disaffected follower of Lerotholi fled to Maama who refused to return the defaulter. Despite pleas from Lerotholi to Lagden to rectify the matter, Lagden refused to intervene as it was a "family matter". However, after Maama's supporters had attacked and killed one of the Paramount's messengers, and Lerotholi continued to act "in a judicial, patient and forbearing spirit"[35], Lagden agreed to handle the matter when Masopha openly proclaimed his support for Maama and assisted in fortifying the approaches to his country.

Open armed conflict seemed likely, but Lagden, assured of the support of Lerotholi, as well as Bereng and Theko and "other chiefs", decided to bring Maama, under safe escort, to a pitso. Sensing he had considerable support which would prevent open defiance by Maama and Masopha, Lagden allowed the Court to "condemn Maama's acts in unmistakable terms".[36] Judgement was made by the Court, Lagden was in full agreement.

First, Maama was fined 100 cattle, his people 200 and two of his chief councillors, five each. Secondly, the man responsible for the death of the messenger would have to be surrendered for a normal trial. Thirdly, lawless men living on the borderline would be removed and their villages destroyed. Fourthly, Borane, a younger son of Letsie, who had taken a leading part in the disturbance, would be handed over to Lagden who would act as his guardian. Finally, the people living within the disputed Korokoro area, were instructed to take their orders from Lerotholi and not Maama. Significantly, Lagden's only direct intervention was to decide against a precise definition of the boundary between Lerotholi and Maama's lands on the pretext that so strong was

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[34] BAR, 1894-5, p. 4.

[35] Ibid., pp. 4-5.

[36] Ibid., p. 5.

the prejudice against Maama that he would not have received fair treatment.[37] However, it is tempting to hypothesise that by stalling on a demarcation, Lagden prevented further humiliation of Maama and still retained a hold on Lerotholi on the issue. Indeed, as Clarke was keen to point out to Lagden, tribal difficulties had their advantages apart from their inconvenience. Judy Kimble has described Lagden's handling of the crisis as "astute" because he was able to gain control over the crisis and assert the Resident Commissioner's authority in what was technically a Basotho dispute outside of his jurisdiction.[38]

Publicly and privately, Lagden showed considerable understanding of Lerotholi's problem. He knew that Clarke and himself had curtailed, especially in cases of blatant abuse, the practice of "eating-up" and that this had proved a most effective means for chiefs to increase their power and wealth as well as silence their critics and rivals. The curbs on the custom caused Lerotholi to find himself handicapped in handling crises. The only possible role of government was, in Lagden's opinion, to give full weight and support to the Paramount.[39] Neither Clarke nor the Colonial Office saw fit to disagree with him on this. Indeed, throughout the dispute, the Colonial Office approved of Lagden's handling of affairs[40], and, ironically, only in July 1894 when brief consideration was given to despatching Clarke to Maseru did the Colonial Office ever doubt Lagden's capacity to manage the

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37 Ibid.

38 Lagden Papers (Wits), E, Zululand, Clarke to Lagden, 6 January 1894. Also, Kimble, 'Migrant labour and colonial rule', p. 210.

39 BAR, 1892-3, p. 4. Also, CO 417/117/8142, Lagden to Loch, 11 April 1894. Here, Lagden argued that as "eating-up" had been stopped by Government, and as the "existing system" of Government could not be disturbed, Lerotholi had, of necessity, to lean on the Government.

40 CO 417/100/17432, Note by Fairfield, 17 October 1893; and, CO 417/126/17105, Fiddes to Fairfield, 2 October 1894.

situation.[41]

A potentially dangerous situation that Lagden had to tackle was the discernible deterioration in relations between Lerotholi and Jonathan. Despite his feud with his younger brother Joel, Jonathan Molapo was recognised by the Administration as the leading chief in the northern district of Leribe. He had publicly supported Lerotholi's succession, had refrained from signing the petition criticising Lerotholi in July 1893 and had remained neutral in the struggle against Maama. Jonathan clearly expected some tangible reward from Lerotholi and the Administration. He was bent on obtaining more land for his people in the mountains. Not only had the size of his following increased since the Gun War, but Letsie had promised Molapo, his father, that the clan would receive additional land.[42] As the promise had yet to be made good, Jonathan expected Lerotholi to approve the land allocation and also to provide Jonathan with moral support in his attempts to absorb part of the late Peete Ramanella's clan on his southern border.[43] Lagden, realising the importance of Jonathan as well as the strength of his claim, appears to have wanted Lerotholi to meet, at least partially, Jonathan's demands so as to prevent him from adopting an indifferent attitude towards the Administration.[44] At the same time,

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41 CO 417/126/16760, Loch to Lagden, 22 August 1894. This provoked a very indignant response from Lagden, CO 417/126/17117: "With supreme deference to the decision of the Secretary of State, I beg leave most respectfully, to record my opinion that the casual intervention of Sir M C [sic] in B [sic] affairs, whilst engaged in another sphere of labour, is calculated to un-nerve Officers entrusted with delicate and responsible duties and is liable to unsettle the Natives ... as well as to promote confusion". Also, Lagden Papers, Mss Afr S 2034, Lagden to Clarke, 10 October 1894: "you might ... become a tribunal ... [and] undermine our work".

42 BAR, 1894-5, p. 6.

43 Ibid.

44 Jonathan's younger brother, Joel, was a major focus of opposition to the British Administration throughout the period 1884-1902, and in the South African War openly sided with the Free State.

he had to guard against being regarded as partial towards Jonathan.[45]

Lerotholi appears to have been most reluctant to meet Jonathan's claims concerning the land despite the fact that he "acknowledged unreservedly the justice of Jonathan's claim".[46] Lerotholi attempted to persuade Lagden to make the allocation on his behalf.[47] Wisely, Lagden declined. Eventually, after much prodding from Lagden, Lerotholi awarded Jonathan some land in the mountains but failed to satisfy him and created much ill-feeling.[48] As a result of this, Jonathan turned to Masopha for support.[49] Despite their past differences, Jonathan was prepared to accept Masopha as an ally.

This produced a dramatic realignment in Basotho politics. Whilst Jonathan turned to Masopha, many minor chiefs who had previously supported Masopha against Lerotholi, rapidly pledged their support for Lerotholi as they feared the new combination.[50] However, as Masopha was very old and virtually incapacitated by age[51], the combination was nowhere as powerful and effective as it would have been ten years earlier. Lagden had no choice but to support Lerotholi. As he informed General Goodenough, Acting High Commissioner, his policy was "to

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45 Jonathan had sided with the Cape in the Gun War. This was bitterly resented by most Basotho and he was never forgiven for this. Hence, any close relations with Jonathan were likely to provoke serious repercussions.

46 CO 417/154/10546, Lagden to Goodenough, Acting High Commissioner, 25 May 1985.

47 Ibid., and, CO 417/154/21535, Sloley, Acting Resident Commissioner, to High Commissioner, 9 November 1895.

48 BAR, 1895-6, pp. 6-7 and p. 15.

49 Ibid.

50 BAR, 1895-6, p. 7.

51 Ibid., p. 6. Also, Lagden Papers (Wits), E, Zululand, Clarke to Lagden, 12 August 1894. Masopha was approximately 76 years old.

refrain from active interference" until there appeared "strong justification" and then "to guide settlements as far as possible".[52]

Several incidents in the course of 1896 illustrate the serious nature of Jonathan's displeasure. A planned meeting between Lagden and Jonathan did not materialise because the former believed Jonathan to be "humbugging" about claims and decided to make the Resident Commissioner wait for an "interview" whereon Lagden, taking umbrage, refused categorically to give Jonathan's messengers an audience.[53] Later in April, when Lagden wanted Lerotholi to personally re-investigate Jonathan's claims, the Paramount refused to travel to Leribe because of the "cold".[54] Then, on 3 August, Lagden received word that Jonathan, along with Bereng and Maama, had pledged support to Masopha in an alleged case of witchcraft.[55] On 14 August, a perplexed Lagden received word from MacGregor, the assistant commissioner at Leribe, that Jonathan, having lost confidence in Lagden, wanted permission to travel to Zululand to discuss matters with Clarke.[56]

Probably, it was the approach of rinderpest that halted Jonathan's sparring with Lagden and Lerotholi. However, without rinderpest, it seems most unlikely that Jonathan would have remained alienated from the Administration. The internal feud with Joel and the opposition of the Ramanella clan would have caused Jonathan to lessen his opposition towards Lerotholi. Significantly, there was no reduction in the amount of hut tax collected in Leribe for this period.[57]

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52 CO 417/154/10546, Lagden to Goodenough, 22 May 1895.

53 Lagden Diary, 1896, 28 January.

54 Ibid., 10 April.

55 Ibid., 3 August.

56 Ibid., 14 August.

57 BAR's, 1893-4 to 1895-6, reveal there was a marginal increase for each year. This is probably a more accurate gauge of Jonathan's "loyalty" than any other method.

Another dispute that Lagden faced was in the remote southern district of Quthing. After the Gun War, the Cape designated the district as a home for loyal Basotho and "placed" several groups in the district, including Nehemiah Moshoeshoe.[58] When Britain resumed control of Basutoland, Quthing was absorbed into the colony. However, many residents of Quthing continued to regard the district as the preserve of loyalists[59] despite the fact that Letsie, with full approval and backing from Clarke had "placed"his son, Nqoebe, there. Whilst friction between him and the "loyals" continued, there were no serious incidents until S Barrett, a former Cape official in Quthing, returned as assistant commissioner.

Disgruntled "loyalists" found in Barrett a sympathetic supporter despite Lagden's firm and clear policy on Quthing; namely that ex-loyalists were not exempt from the laws and customs regarding chiefs as applicable to all of Basutoland, and that Quthing was in no way a reserve for loyalists.[60] Mischievously, Barrett proceeded to support the ex-loyals in their opposition to and criticism of Nqoebe Letsie.[61] Nqoebe received backing from Lerotholi and Lagden, though understandably, the Paramount was annoyed with Lagden for not taking sufficient steps to support Nqoebe in his struggle with Barrett.[62]

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58 BAR, 1892-3, pp. 40-1. Also, Lord Hailey, Native Administration in the British African Territories, V, pp. 54-5.

59 The Quthing district probably contained more non-Sotho than any other district. Particularly prominent were the Thembus and Phuthi, Peter Warwick, Black people and the South African War, p. 56.

60 Lagden Papers, Mss Afr S, 2034, Letterbook, Lagden to TP Kennan, Assistant Commissioner, 24 April 1894; and, ibid., Lagden to Bower, 10 July 1894.

61 BAR, 1893-4, p. 39; BAR, 1894-5, p. 35; and, BAR, 1895-6, p. 29.

62 Lagden Diary, 1893, 16 October, Lerotholi "charged us [the Administration] with falseness".

Showing gross insubordination to Lagden, Barrett alleged Nqoebe to be "persistently ignoring the rights" of sub-chiefs and headmen placed by the Cape in 1882-3, and that he "evaded his responsibilities".[63] Lagden admitted to Clarke that Barrett was "unreconcilable to our system".[64] For his part, Clarke identified Barrett as a major cause of the trouble.[65] Lagden maintained that his stand was based on a "careful deliberation" on what was "practicable" and "upon lines of continuous policy".[66] However, Lagden neither dismissed nor transferred Barrett from Quthing. Perhaps it was because, as acting Resident Commissioner, he feared to take drastic action; but it is clear that Lagden correctly interpreted and implemented Clarke's policy. Barrett noted in his annual report that despite the problems, Nqoebe remained "well disposed towards Government".[67]

Lagden accompanied Lerotholi to Quthing where a pitso was held during which, apart from proclaiming his support for Nqoebe, he "prayed" that room would be made for his sons to be "placed" and that Lagden would recognise them as rightful chiefs.[68] The pitso was, however, indecisive because whilst Nqoebe was requested to handle complaints and grievances that were put to him, and the local residents were asked to allow Lerotholi to "place" his sons in Quthing[69], there was no

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63 BAR, 1894-5, p. 35.

64 Lagden Papers, Mss Afr S, 2034, Letterbook, Lagden to Clarke, 24 July 1894.

65 Lagden Papers (Wits), E, Zululand, Clarke to Lagden, 25 January 1894.

66 BAR, 1893-4, p. 7.

67 BAR, 1894-5, p. 35.

68 Lagden Papers, Mss Afr S, 2034, Letterbook, Lagden to Bower, 10 July 1894.

69 BAR, 1893-4, pp. 7 and 39.

significant change in the circumstances. However, during the South African War 1899-1902, Lerotholi felt strong enough to further entrench the Koena lineage in Quthing.[70]

Finally, in analysing Lagden's handling of disputes between chiefdoms, it is necessary to survey his dealings with Masopha. During this period there were two dominant features in Masopha's activities. First, there was his wholehearted opposition towards Lerotholi. Second, in his efforts to assert his "independence", Masopha refused to cooperate with the Administration especially in the annual collection of the hut tax. He never quite lost his sense of grievance against the British having usurped his authority. These resentments surfaced in his support of Maama's land claims in the Korokoro and his claims over the royal herd. He did this by instigating the petition against Lerotholi and by aligning with Jonathan against the Paramount. Masopha forced Lagden to take careful notice of his wishes and desires. Hence, when Lagden held a pitso to discuss the Lerotholi-Maama conflict in 1894 he enlisted Masopha onto the pitso council because he wanted the support of the nation.[71]

In an effort to increase his own power, Masopha attempted to obtain permanent use of a major reed-bed in Thaba Bosigo which fell under Theko, a supporter and younger brother of Lerotholi. Masopha had been granted permission by Letsie and Theko to utilise the bed but now he wished to obtain perpetual use of it. Naturally, Theko objected to this. However, Lerotholi committed a major blunder in handling the case and made a decision without consulting both parties. Thereupon, Lagden was requested to intervene and preside over a pitso. As he noted in the Annual Report: "My object was, by family deliberation, to induce a mutual settlement".[72] As a result, Masopha was publicly permitted to

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70 See Chapter 5. Also, Warwick, Black people, pp. 72-4.

71 Lagden Papers, Mss Afr S, 2034, Letterbook, Lagden to Loch, 3 January 1894.

72 BAR, 1893-4, pp. 4-5.

continue to enjoy the rights granted for his lifetime without prejudice to Theko's proprietary rights. Thus, neither lost face and customary rights were maintained.

With the issue of a successor becoming increasingly pressing, Masopha shrewdly involved both Lerotholi and Lagden in the matter by naming Lerotholi as the heirs' guardian in the presence of Lagden. Lerotholi would, therefore, have to fulfil his obligation whilst Lagden, or his successor, would, in practice, have to act as guarantor. From Lagden's point of view, despite the "unholy" alliance with Jonathan, Masopha, in a round about way, was implicitly admitting his recognition of the Administration and its central role in Basotho politics. Indeed, Lagden appears to have been rather satisfied with Masopha's actions on this issue.[73]

However, as the Annual Reports show, Masopha persistently hindered and restricted the collection of the hut tax. Never was the opposition physical or direct: that would have been provocative and too risky. Rather it was more of a stalling and inconvenient nature. Every year it was noted how late the Berea taxes came in and that the delays interfered with the authorisation of public works.[74] Until the revenue was collected, it could not be utilised for public works. Masopha was accused of "inertia", "ineptitude" and "old age".[75] Finally, Lagden had to admit that Masopha had grown "more and more troublesome" and that he "exhibited puerile fancies and [was] a great drag upon the wheels of progress".[76] Needless to say because the tax

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[73] BAR, 1894-5, p. 22. Both Masophanyane, first heir, son of Lepoqo, and Koadi, second heir, son of Mosuisa, were Masopha's grandsons. Also, CO 417/154/11351, Lagden to High Commissioner, 31 May 1895: "we have reason to think that the trusteeship invested in Lerotholi will be a fair guarantee of Masopha's future loyalty to him". This proved to be an over-optimistic view.

[74] BAR, 1893-4, p. 12.

[75] Ibid., 1894-5, p. 9.

[76] Ibid., 1895-6, p. 9.

was eventually collected, Lagden preferred not to take more assertive action because, not only did he fear the consequences of using force, but in fact, possessed no real force to use.

One incident is of particular interest and significance. After the reed bed dispute with Theko, the settlement of which had won Colonial Office approval[77], it came to Lagden's attention that the Reverend Ernest Mabillé of the Paris Evangelicals had publicly criticised Lagden's handling of the issue and argued that he had shown "partiality". Mabillé had "asserted the whole [Basotho] nation was imprisoned and dissatisfied with Lagden's decision".[78] An infuriated Lagden then personally criticised Mabillé's presumption, in speaking on behalf of the Basotho nation, and informed Dyke, the leading French missionary, and a close friend of Lagden's, of his displeasure and annoyance.[79] After this, the matter was dropped but the incident does suggest that public feeling in Basutoland clearly identified Lagden and the Administration with full and unswerving support for the Paramount.

At root, because of the decisions of 1884 when the Imperial Government decided not to confront Masopha, there was little Lagden could do apart from attempt to win voluntary support from Masopha for the Administration and its policies. There was a great need for patience and plenty of it. This was a quality that Clarke and Lagden had ample opportunity to display.[80] Generally, they received the support and sympathy of their supporters in this. However, when Sir Alfred Milner arrived as High Commissioner, Lagden, Lerotholi and Masopha were all to experience that patience and tact were not among Milner's qualities.

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[77] CO 417/100/17432, Note by Fairfield, 17 October 1893.

[78] Lagden Papers, Mss Afr S, 2034, Letterbook, Lagden to Mabillé, 23 June 1894.

[79] Ibid., Lagden to Dyke, 7 July 1894.

[80] Lagden Papers (Wits), E, Zululand, Clarke to Lagden, 20 October 1894: "my policy is ... to abstain from definite threats where their realization is without any power".

Directly, as a result of the incessant inter-tribal disputes following Lerotholi's succession, Sir Henry Loch desired that a full inquiry be made into "intertribal disputes and political cases affecting the peace of Basutoland".[81] After Lagden received Loch's despatch, he decided to obtain the opinions of the assistant commissioners. Whilst one can interpret this as an admirable effort to allow officers to express their views to the High Commissioner, it is more likely, as Lagden was well aware of their views, that he collected their statements so as to strengthen his own remarks and advice to the High Commissioner. There was, also, the fact that he was only acting as resident commissioner and that he did not wish to antagonise Clarke who, it was originally believed, would soon be returning to Basutoland.

The replies of the officers were returned to Loch in full. Most were rather similar with the exception of S Barrett. They recommended that although the minor chiefs and common people might prefer the assistant commissioners to play a more direct and vital role in Basotho society, the Paramount and leading chiefs would strongly oppose such intervention. Barrett believed that the Administration should play a more direct and forceful role as it would have the backing of the people. However, as has been noted, Barrett and Quthing were different from the other officers and districts in Basutoland.

Herbert Sloley, one of the most experienced and capable officers, wrote from Leribe that "there may be said to be a growing public feeling in favour of the intervention of the Government in inter-tribal quarrels" but he did not believe "that there exist[ed] any widespread desire for the settlement of ordinary native cases by European Officers". This would be opposed by Chiefs and only petty chiefs and headmen, on occasions, favoured more government intervention. In short, there was

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[81] Lagden Papers (Wits), D 1, Basutoland, 'Replies to Confidential Circular of 2 February 1894'. Also, Mss Afr S, 645 (Rhodes House).

no widespread desire for a more direct role by the Government. He did believe though, that there should be "an emphatic reiteration of the serious view taken by the Government of such breaches of the peace [by the taking up of arms] and an announcement that the penalties imposed on the offenders will in future be more severe".[82] In a post script, he added that he did not think it would be wise to assume responsibility for the settlement of inter-tribal disagreements if this meant allowing the Government to be drawn into the position of having to give judgement, without power to enforce its decision.[83]

Writing from Maseru, J.C. MacGregor who had been in Basutoland since 1884, argued that when the authority of the Resident Commissioner had on occasions been substituted for that of the Paramount, it had been hailed with "general approval and satisfaction". He believed that there existed among "the common people" and certain of the older men among the smaller chiefs and headmen, a desire, "more or less pronounced", to see the Government officers take a more prominent part than hitherto. However, this was not of much use if the Chiefs opposed the move. The tendency of Lerotholi to "invoke the authority of the Resident Commissioner in inter-tribal matters" would, he believed, soon become a custom "and custom is law among the Basuto whether Chiefs or not".[84] He warned that he did not think it to be "expedient" for Government to take any step to defer to the feeling suggested "unless the support of the Chiefs were assured".[85]

Expressing a contrary view, Barrett argued that it would be better to

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[82] Lagden Papers (Wits), D 1, Basutoland, `Confidential Circular of 2 February 1894', Remarks of HC Sloley, Leribe, 14 February 1894.

[83] Ibid., Undated but probably 22 February 1894. The postscript answered the following: "If the feeling exists generally, would it be wise to defer it and if so, to what extent?"

[84] Ibid., Remarks of JC MacGregor, Maseru, 18 February 1894.

[85] Ibid., Undated postscript but probably 22 February 1894.

change to a more direct form of government as had existed in the days of Colonel Griffith and Cape-rule because "that system having (from general reports) been popular with the bulk of the Basuto".[86] In Quthing, the people had always looked upon themselves as being "more directly under the officer in charge of the District".[87]

Using the views of the officers as his basis, Lagden wrote to Loch. As was his custom, Lagden took several pages to get to the point.[88] He commenced by recalling Lord Derby's despatch of 25 January 1884 which allowed the Basotho a large measure of internal self-government. This policy was still being observed. He then restated the well-known fact that Letsie and other chiefs had relied heavily on "eating-up" to assert their power and that this had caused the ordinary people to favour the officers and the chiefs to oppose them. He also informed Loch that in 1887 Letsie had proposed that Government officers should take a greater share in judicial administration but neither Clarke nor Robinson had taken them seriously. He also dwelt on the abuse of guns by the Paramount Chief and others. Nevertheless, he could not suggest that "any proposals be formulated" for bringing the European officers into "greater prominence" or for "disturbing the system that has worked so well, of employing the Chiefs as the channels of judgements". However, he did not rule out changes in the future, since policy was adapted to public opinion and could change with it.

When these papers reached the Colonial Office in May 1894, both Lucas and Fairfield read them and came to the same conclusion. Fairfield noted: "These papers point to leaving well alone beyond issuing a

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86 Ibid., Remarks of S Barrett, Quthing, 17 February 1894.

87 Ibid., Postscript S Barrett, 23 February 1894.

88 Lagden Papers (Wits), D 1, Basutoland, Lagden to Loch (draft), 7 April 1894. Also, CO 417/117/8142, Enclosure, Lagden to Loch, 11 April 1884.

further strong warning on the practice of taking up arms".[89] Lucas had the final say: "the existing system is working well and should not be disturbed but a strong warning should be given to the native chiefs against the practice of taking up guns without sufficient reason".[90] At the annual Pitso held on 11 October, Lagden only managed an oblique warning on the Lerotholi-Maama dispute when he warned : "a house divided against itself falls".[91]

Prospecting.

Reference has already been made to the prospecting issue. In 1895 and 1896, after the successful opening of Zululand to prospectors by Sir Marshal Clarke, Lagden came under great pressure to recommend that Basutoland, despite Imperial pledges, should be opened for prospecting.[92] Lagden first learned of the possibility from Loch in early 1895.[93] In his despatch, Loch argued that opening up Basutoland for prospectors would enable it to "escape from the stigma" that it was "neither more nor less than a mere Native Location"! He argued that this would have advantages to both the Basotho and surrounding states. The Basotho would have a market for labour, and a market for agricultural produce as well as "more contact with Europeans under, perhaps, more favourable conditions than those on the Rand". Loch had already spoken to Clarke about the matter.

Clarke had kept Lagden well-informed about prospecting in Zululand and gave the impression that he was enthusiastic about the experiment

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89 CO 417/117/8142, Note by Fairfield, 22 May 1894.

90 Ibid., Note by Lucas, 5 June 1894.

91 CO 417/129/20105, Annual Pitso, 11 October 1894.

92 I have not found any direct evidence of this. The issue was not mentioned in the original instructions given to Clarke by the Colonial Office in January 1884. However, there is no record of any one denying that these pledges were made.

93 Lagden Papers (Wits), D 1, Basutoland, Loch to Lagden, 12 January 1895.

being repeated in Basutoland. This was quite contrary to his past policy in Basutoland.[94] In January 1894 he wrote of "the good deal of growing interest" on the Zululand goldfields[95], whilst in August, he reported that there was "quite a boom in mining prospectors", and that a new law had been proclaimed.[96] After meeting Loch in Durban, in November, Clarke informed Lagden that "if the mining industry developed" and "it seem[ed] likely to do so, this simple form of Government [in Zululand] won't answer" to the needs of the new situation. He reassuringly added that "So far we have little friction between the prospectors and the Zulus".[97]

Writing at the end of the year, Clarke told Lagden that Loch had a copy of the Zululand mining laws and regulations. No doubt to Lagden's consternation, Clarke added that if the consent of the Chiefs could be obtained, it would be a good idea to follow the Zululand regulations. He again reassured Lagden that there had been no difficulties caused by the presence of prospectors. He suggested that the number of prospectors be limited and that operations be confined to land "not in the beneficial occupation of natives".[98] Clarke had absolutely forgotten the acute land shortage in Basutoland since 1884. He concluded that "should Basutoland turn out to be rich in minerals, the advantages to the natives of a home market for labour and produce, would be very great indeed" and he repeated Loch's sentiments that the development of the mines would relieve the territory from the "stigma of being a mere native location".[99] There is no doubt that Loch had definitely sounded out Clarke on the issue, and that Clarke, for his part, agreed to encourage Lagden to follow Loch's suggestion. This was,

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[94] As is evident in previous chapters.

[95] Lagden Papers (Wits), E, Zululand, Clarke to Lagden, 25 January 1894.

[96] Ibid., 12 August 1894.

[97] Ibid., 23 November 1894.

[98] Ibid., 30 December 1894.

[99] Ibid.

indeed, a black mark against Clarke. Perhaps some of the money promised to Basotho chiefs found its way to Clarke, otherwise how does one explain his volte face?

Loch informed Lagden that no steps would be taken until there had been "full consultation" with the Chiefs.[100] Land under beneficial occupation would not be interfered with, the number of prospecting licences would be limited, and the agents would be approved by the High Commissioner. Two major sets of regulations would have to be drawn-up covering the introduction of liquor into the colony and the "pecuniary advantages" that would be paid to the Paramount and other chiefs. Finally, Lagden was to have no communications with the chiefs on this matter until instructed by Loch.

Lagden's response to Loch's despatch was long, determined and well-reasoned.[101] Had it appeared in print, it would have caused a furore. He began by noting that prospecting had formed the subject of "desultory communications" between the Basotho and the Government and that the Government had pledged that "no prospecting would be allowed without the consent of the nation". All officers had "echoed this dictated policy". The chiefs had "invariably expressed themselves as thankful for the advice and policy, as being undesirous of having their country opened out to prospecting and have declined all overtures". He knew of nothing to make him think the feelings of the Basotho had changed especially as they had been permitted to entertain the idea that "a certain veto was vested in them which was not reserved to other tribes under Government control".

However, if there was to be a change of policy, it would have to be made in "an open and rational way". He agreed that the "hidden resources of the soil" should be available to the "civilized world" and that the Basotho should "awake to the necessity of abandoning their

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100 Lagden Papers (Wits), D 1, Basutoland, Loch to Lagden, 12 January 1894.

101 Ibid., Lagden to Loch, 3 February 1985.

isolation and entering willingly into the general country". He stressed the need to dwell fully on the advantages but did not list any. He had to admit he did not know how the Basotho would react. The remainder of this long despatch outlined the many problems that Lagden foresaw.

Lagden believed that the Basotho maintained a "shrewd appreciation" of their future interests and their knowledge of other tribes' experiences, such as the Zulu, Baralong, Tswanas and Swazis, would influence their judgement. They were well aware of the "intrigues and disruption" that followed the advent of white people. Also, the Basotho system of land tenure forbade everyone, including the Paramount, from alienating land from the tribe. Aliens were forbidden by Government to squat within Basutoland and even the Government was powerless to allocate land for ecclesiastical, educational or trading purposes.

The entry of Europeans for mining purposes, argued Lagden, "would stultify the present land system ... [and] the history of all minerals research has shown that development follows upon discovery and that it is next to impossible to withstand the rush of European energy and capital to auriferous centres". Further, if rich minerals were discovered, "it must be apparent that the present code designed for a purely native administration would be more or less incongruous". It would be unthinkable to use the Chiefs for the maintenance of order amongst whites, and besides, all the police work was performed by `native police' "whose employment is unfeasible where white people are concerned".

Lagden could not believe that the Chiefs "would cheerfully witness the decadence of power and privileges [that they have] so long enjoyed". The Paramount would have to give up much of his constitutional power whilst the Government would have to increase its administrative role and provide for a European police force. Lagden believed that "Zululand [was] an unreliable analogy to Basutoland ... the system in Basutoland of supporting and using absolutely the power of the Chiefs as a lever in Government makes the conditions of the two territories incomparable". All the land in the country was occupied but there were many along the border who wanted to enter Basutoland as squatters and

prospectors. Finally, he pointed out: "the latent antipathy cherished by a considerable section [of white people] in South Africa towards a tribe that has had the unhappy misfortune to have been credited with having achieved a sort of success in arms". He concluded that "conditions here are somewhat exceptional and deserve mature consideration". The matter was apparently dropped for the time being. Lagden had made known his complete opposition to the scheme.

In August 1895, a mining syndicate headed by JMS Langeman of Johannesburg, a prominent Rand magnate, and including J and H Reid, James Bester and Captain de Burgh of the Yorkshire Regiment, approached Lerotholi with a request to prospect in Basutoland. The request was refused by Lerotholi who soon informed Lagden of it. Lagden then informed Sir Hercules Robinson, who had returned as High Commissioner[102], that it would be very difficult "to conceive circumstances in which it would be to their advantage to grant mining concessions".[103] Robinson agreed and informed Chamberlain, the Colonial Secretary, that he thought "it would be impolitic to add to the difficulties of the situation by raising similar questions in Basutoland at the present time".[104]

The despatch provoked a revealing reaction in the Colonial Office. Graham, in a note to Fairfield, admitted that "We shall have to face the opening of Basutoland to prospectors soon", but added, "it will be well to defer it as long as possible".[105] Lucas believed that the difficulty of getting the chiefs to consent to prospecting would be insuperable.[106] Most important, Chamberlain remarked: "We certainly cannot hope to lock up indefinitely Basutoland if there are minerals

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[102] CO 417/154/17556, `Minerals'.

[103] Ibid., Lagden to Robinson, High Commissioner, 10 September 1895. Robinson returned to Cape Town as High Commissioner in May 1895. In 1896, became Lord Rosmead.

[104] Ibid., Robinson to Chamberlain, 18 September 1895.

[105] Ibid., Graham to Fairfield, 10 October 1895.

[106] Ibid., Note by Lucas, 10 October 1895.

and precious stones - wait for the British Bechuanaland transfer before opening the country".[107] Bower, Robinson's secretary in Cape Town, had already informed the syndicate that no prospecting was allowed in Basutoland and that no concession granted by any `native chief' would be recognised by Her Majesty's Government.[108]

At the 1895 October pitso, Sloley, acting for Lagden, reiterated that no mining concessions would be recognised by the Government.[109] When there was open discussion, it became evident that none of the Basotho favoured prospecting. Thomas Sethlaka, Mothlepu and Mphotho, all minor chiefs, voiced their opposition against prospecting. Lerotholi was adamant that he "would never consent to a mining concession, and that if necessary he would go to the High Commissioner or England about it, or he would die for them".[110]

In May 1896, Lagden received a petition from Lerotholi and forty-four other chiefs in which it was claimed that mines ruined `natives', that the Basotho would lose their land if gold were found, that gold implied `danger' and `war' and the Basotho were, in any case, a `ploughing nation'.[111] When Cameron, acting for Robinson, forwarded the petition to the Colonial Office, he included Lagden's despatch[112] as well as his covering letter. Lagden's despatch contained two telling sentences: "The nation with one accord appeals respectfully and fervently to Her Majesty's Government not to countenance the exploitation of Basutoland gold", and, "I have felt the pulse of the nation and find it

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107 Ibid., Note by Chamberlain, 10 October 1895.

108 Ibid., Enclosure, Bower, Imperial Secretary, to J Bester and syndicate, 18 September 1895.

109 CO 417/154/20337, Annual Pitso, 8 October 1895, Remarks by HC Sloley, acting Resident Commissioner.

110 Ibid., recorded statements at pitso.

111 CO 417/186/14099, Enclosure, Lerotholi and forty-four chiefs, to High Commissioner, 20 May 1896.

112 Ibid., Enclosure, Lagden to Loch, 3 February 1895.

universally and keenly repugnant to any search for minerals".[113] This was merely a reinforcement of his previously expressed views. Though, of course, he was saying that he and the Basotho nation were at one on this issue.

The petition provoked much comment in the Colonial Office, and again, the weight of opinion favoured the eventual opening up of Basutoland to prospectors. Lucas admitted that the question was a difficult one because pledges had been made to the Basotho. To break the pledge would have serious consequences. On the other hand, white South African opinion was against keeping the territory "shut up". His conclusion was that the country would not be opened up without Basotho consent but he hoped that the Basotho would not persist in always refusing it completely. It would be best to consult with Sir Hercules Robinson.[114]

Bramston believed Lagden was partially to blame for the Basotho opposition. Perhaps he had spoken to Loch. He stated that "Mr Lagden should be warned that it [was] desirable not to lose any favourable opportunity of trying to bring the Basuto round to a more reasonable way of looking at the matter". He then added, "I think he [Lagden] is too much wedded to the archaic system of the country and is inclined to shut his eyes to the inevitable future".[115] It is pertinent to note that the remarks of Bramston and Lucas were rather unfair on Lagden considering the financial and administration resources he had available. Chamberlain, the Colonial Secretary, supported Bramston and noted that "This pledge is very difficult to keep - do not let us extend it any way".[116] Lagden and the Basotho were probably saved by Selborne, the Colonial Under-Secretary. He did not think it "would be wise to press the matter at all just now".[117]

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113 Ibid., Enclosure, Lagden to Cameron, Acting High Commissioner, 1 June 1896.

114 Ibid., Lucas to Fairfield, 20 July 1896.

115 Ibid., Note by Bramston, 24 July 1896.

116 Ibid., Note by Chamberlain, 27 July 1896.

117 Ibid., Note by Selborne, 27 July 1896.

Late in 1896, a mining proposal by Count F de Ferrieres, supposedly a French investor and financier, showed just how tempting and attractive such schemes could be.[118] For permission to prospect, he offered Lerotholi 50s per day for a 28 day month, for a period of 120 days. Apart from normal wages, Lerotholi would receive 1s per labourer recruited, whilst the labourer's immediate chief would receive 6d. Graham declined the offer without comment.

Between 1894 and 1896, the contribution of the Cape Government came under extreme pressure mainly as a result of the hardening racial attitudes in the Cape. With the solitary exception of JR Rose-Innes[119], the former Attorney General, when Imperial rule of Basutoland was debated, there was great antagonism towards the Basotho. In 1887 Clarke had voluntarily reduced the amount of the contribution to £18 000, whilst from July 1890 with the entry of Basutoland into the Customs Union, the Cape was permitted to keep the dues on goods destined for Basutoland. Whilst this fluctuated, it certainly lessened the Cape contribution by considerable amounts. Indeed, in 1896, Sprigg was forced to admit that the Cape had actually paid £3 600, though the amount was usually between £6 000 and £8 000.[120]

Cecil Rhodes was regarded by Lagden as being behind the hostility towards Basutoland. He believed Rhodes's policy was one of "subjection" whether it be achieved through "peace or war".[121] If peace, taxation would be the means whereby the African would be subjected. It appeared as if Loch, the High Commissioner, with his many problems throughout South Africa, was finding it hard "to keep up the prestige of the High Commissioner" especially as "public opinion in South Africa" was on

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118 CO 417/186/26607, Count F de Ferrieres to Lagden, 21 November 1896; and, Note by F Graham, 5 January 1897.

119 Dictionary of South African Biography, II, `J.R. Rose-Innes', no author cited, pp. 328-32.

120 Cape Hansard, 1896, p. 369.

121 Lagden Papers, Mss Afr S, 2034, Letterbook, Lagden to Clarke, 14 April 1894.

Rhodes's side. To Lagden, Rhodes had not "realised or recognised the good side" of British policy in Basutoland.[122] Clarke agreed with Lagden though he had to admit that the Glen Grey Bill did interest him.[123] It was remarks by Rhodes such as that there was a "general feeling natives were a distinct source of trouble"[124] that led Clarke to comment to Lagden that "it is a pity Rhodes tries not the gift of remaining silent. He could well afford to do so".[125] Also, from Lagden and the Cape Hansard, Clarke was well aware of Rhodes's scandalous physical and verbal assault on Lerotholi when in Cape Town with Lagden as the guest of Loch.[126] Rhodes had seized the Paramount by the scruff of the neck and told him that he regarded him as protector of murderers and that if he had his way he would keep him in Cape Town until the Basotho handed over Umhlonhto, a Pondo, accused of murder, who had fled to Basutoland.[127] Lagden had had to remonstrate with Rhodes to release Lerotholi. Understandably, Lagden was outraged with Rhodes over the incident.[128]

The `Cape contribution' issue came to the fore during the 1894 Cape parliamentary session when Colonel Schermbrucker denounced the increase in the contribution by £2 000 over the previous year. He also referred

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122 Ibid., 29 April 1894.

123 Lagden Papers (Wits), E, Zululand, Clarke to Lagden, 7 August 1894. The Glen Grey Act will be dealt with in the Chapter 8.

124 Cape Hansard, 1894, p. 362.

125 Lagden Papers (Wits), E, Zululand, Clarke to Lagden, 23 November 1894.

126 Cape Hansard, 1894, p. 362.

127 Cape Hansard, 1894, p. 362.

128 Lagden Papers, Mss Afr S, 2034, Letterbook, Lagden to Clarke, 21 March 1894; and, ibid., Lagden to Bower, 9 August 1894.

to Umhlonhto who he claimed was "wandering about in Basutoland under the protection of the Basuto chiefs".[129] Sprigg admitted that the Cape contribution was "unjust"[130] whilst Rhodes believed that the Imperial Government should make the Basotho pay sufficient taxes for their own government, especially as the Basotho were "exceedingly prosperous". He indicated that the Cape should ask the Imperial Government to increase Basotho taxation.[131] The sagacious Rose-Innes reminded the Parliament of the circumstances of 1884 when Britain had resumed responsibility for Basutoland.[132]

An infuriated Lagden wrote to Bower that someone should put the record straight to the Cape Parliament as "the subject of Basutoland does not seem generally to be known or admitted".[133] He complained they (the Cape Parliament) "are apparently always ready to beat us with any stick but they should surely be correct in their figures". It was over four months later when Loch informed Ripon, the Colonial Secretary, that there were "very strong feelings amongst certain members of the Colonial Parliament in regard to this contribution".[134] He urged that the Imperial Government emphasise that the contribution was a contract and that whilst Basutoland finances were certainly prosperous, they did not justify Her Majesty's Government in waiving their claim. A reduction of £2 000 had already been made and as a result of the collection of customs dues, the nominal £18 000 was generally halved. However, nothing seems to have been done.

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129 Cape Hansard, 1894, p. 373.

130 Ibid.

131 Ibid., pp. 373-4.

132 Ibid., p. 374.

133 Lagden Papers, Mss Afr S, 2034, Letterbook, Lagden to Bower, 9 August 1894.

134 CO 417/153/1547, Loch to Ripon, 7 January 1895.

During the Cape Parliamentary session when the contribution issue was raised by PJ Weeber, MLA for Beaufort West, Sprigg commented that he was still communicating with the High Commissioner.[135] Rhodes plainly admitted that no reply had been received by the Cape Government.[136] Goodenough, acting High Commissioner, noted on Rhodes's letter of 7 May 1895 that Africans in Basutoland were taxed as in the Cape and regularly. He admitted that it was "difficult to resist their [Cape] application ... to express an opinion on the Basutoland estimates".[137] This he realised would only work if there was "exercise of great consideration and forbearance in criticising the recommendation of the responsible officers". He did not have the courage to say that the estimates of Basutoland were as accurately and economically calculated as was possible and that considering Rhodes's attitude and manner, the request should be refused.

Later on in 1895, Rhodes queried why he had received no reply to his communication in May.[138] When this was forwarded to the Colonial Office, Fiddes noted[139], presumably to obtain a policy outline, that the Cape could not be indefinitely responsible for the Basutoland deficit even though the amount of the contribution had decreased. He felt that the Cape wanted Basutoland back because Britain had now "restored it to order and contempt" [sic]. He believed that the Imperial Government should decline to allow the Cape any voice in the estimates. This advice was ignored and Sprigg was delighted that the Cape would be permitted to express views on estimates before approval.[140] This meant that the Cape could stall any work deemed

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135 Cape Hansard, 1895, p. 409.

136 Ibid.

137 CO 417/154/1547, Goodenough to Ripon, 11 May 1895.

138 CO 417/154/17021, Enclosure, Rhodes to Governor, 31 August 1895.

139 Ibid., Note by Fiddes, 1 September 1895.

140 CO 417/186/3061, Sprigg to High Commissioner, 9 January 1896.

necessary by Lagden and that the control of the High Commissioner and Resident Commissioner on Basutoland finances were broken. This had tremendous potential for trouble especially with the supplementary estimates. Both the High Commissioner and Colonial Office were fully aware that virtually all public works and education depended on such estimates. Indeed, in 1894, Lagden had gone to great lengths to re-emphasise to Bower that Robinson himself had especially stated that revenue surplus to estimated expenditure should be utilized.[141]

By May 1896, Basutoland had a budget surplus of £12 000. Lagden, certainly no reckless spender, recommended that £3 400 be spent on urgently needed public works.[142] However, this was cut to £2 400[143] and £1 300 was to be returned to the Cape.[144] The remainder was to be kept on balance in case of a shortfall in the next financial year. Lucas, for one, considered this "unfair" on the Cape.[145] Whilst the Cape, presumably in retaliation, informed the Colonial Secretary, Fiddes, that no education grant should be made that year, until taxation yields were surplus to estimated expenditure.[146]

The 1896 session saw another attack on Basutoland. Further demands were made that the Basotho should contribute more to the state especially as it was claimed that they were the "most intelligent native race" and that they had made "rapid progress in wealth and population".[147]

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141 Lagden Papers, Mss Afr S, 2034, Letterbook, Lagden to Bower, 16 May 1894.

142 CO 417/186/11673, Robinson to Chamberlain, 12 May 1896.

143 Ibid., Robinson to Lagden, 11 May 1896.

144 CO 417/186/17292, Tel. Lagden to Goodenough, 1 July 1896.

145 CO 417/186/11673, Lucas to Fairfield, 8 June 1896.

146 CO 417/186/14679, Secretary (Cape) to Imperial Secretary, 23 June 1896.

147 Cape Hansard, 1896, p. 369.

Sprigg was forced to acknowledge that the Cape contributed £18 000 not £20 000, and that because of the retention of customs dues, had in fact only paid £3 800 in 1895/6. However, he did agree on the need for increased taxes.[148] In an attempt to support this, IJ Van der Walt, MLA for Colesberg, noted that the Basotho had been regarded as the "best boys for work but now they [had] become cheeky and proud".[149] Again, only JR Rose-Innes defended the Basutoland Administration. He opined that the Imperial Government received no benefit from taking over Basutoland and that if there were to be negotiations they should be held in a "proper spirit and with due regard to the difficulties of the Imperial Government ... [as] the Cape was under an obligation to the Imperial Government".[150] Winding up the debate, Sprigg admitted that he could not take exception to the Basutoland expenditure but a "revision of taxation seemed absolutely necessary".[151]

When the Colonial Office was informed of the above proceedings, Lucas again displayed strong sympathy for the Cape and believed that it should be relieved of the contribution if possible and "did not harm the good administration of Basutoland".[152] It is pertinent to note that Basutoland's sound finances were largely so because of the modest objectives of the Administration and the painstaking keeping of the accounts. Very little regard was taken of this by the Colonial Office or Cape Government. It is debatable whether the Basotho could easily afford to pay more. Increasing numbers of Basotho were forced to supplement their livelihood by making increasing trips to Kimberley, the Witwatersrand and railway centres as migrant labourers. Judy

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148 Ibid., pp. 369-70.

149 Ibid., p. 371.

150 Ibid.

151 Ibid., p. 372.

152 CO 417/186/17291, Lucas to Fairfield, 21 August 1896.

Kimble[153] and Colin Murray[154] have noted the incidence of poverty and greater social stratification within this period. Palmer and Parsons[155] have argued that the wealth of the Basotho was illusory and that this was a critical period in the underdevelopment of the Basotho and the incidence of rural poverty. Finally, much of the income earned by the Basotho was either due to favourable climatic conditions within the colony or prosperous economic conditions within southern Africa. Hence, drought, protective tariffs, mining depressions and local politics, all factors outside the control of the Basutoland Administration, could exert great restraint on Basotho prosperity. The Transvaal continued to impose restrictive tariffs on Basotho grain[156] whilst Basutoland's membership of the Customs Union, though of great direct advantage to the Cape, became entangled in petty inter-state squabbles between the Free State and the Cape.[157] An example of this was Basutoland's dependence on the good offices of Sprigg at the Bloemfontein Conference in 1896, when the Free State refused to invite Lagden as the representative of Basutoland. He had to attend as Sprigg's adviser! Lagden had reason and cause to be annoyed and frustrated.[158] Indeed, if the dual role of the High Commissioner and the state of political affairs in South Africa in 1895-6 is considered, Mackenzie's desire to separate the High Commissioner from the Cape Governorship appears to

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153 J Kimble, 'Labour migrations in Basutoland, c. 1870-1885', in S Marks and R Rathbone, (eds), Industrialisation and social change in South Africa, pp. 130-60. Also, Kimble, 'Migrant labour and colonial rule', pp. 310-1.

154 C Murray, Families divided, pp. 10-22.

155 R Palmer and N Parsons, The roots of rural poverty, 'Introduction', p. 22.

156 See Chapter 2.

157 Lagden Papers (Wits), E, Zululand, Clarke to Lagden, 7 September 1894.

158 Lagden Diary, 1896, 7-10 September.

have been a sound proposal.[159] Relations with the Cape were deemed far more important than those with Basutoland, whose interests were regarded as being subservient to those of the Cape.

The Cape's persistent raising of the contribution issue was to have two major results. Milner quickly realised that the prominence of the issue with politicians made it assume far greater dimensions than it warranted.[160] Hence, it could be used as lever against the Cape whilst, to Lagden, it would be a blessing to rid the Administration of the Cape's interference. Both Milner and Lagden considered that with careful handling and using the opportune moment, after a prosperous harvest, the impact of increased taxation could be considerably lessened amongst the Basotho.

Rinderpest.

Rinderpest first appeared in Africa in Somaliland in 1889. It rapidly moved south infecting both game and cattle. By 1890, it was in Uganda and by the second half of 1892 it had reached Northern Rhodesia. However, it only appeared south of the Zambezi in 1896. Thereafter, largely because of ox-wagon transport, it moved relentlessly southwards reaching Groote Schuur in 1897. Despite warnings as early as 1892, very few precautions were taken against preventing its spread until the disease appeared on southern Africa in 1896. The extent of its devastation soon became evident over the entire region. The disease had "scant respect for territorial integrity".[161]

Rinderpest was defined as "an acute contagious virus disease of

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159 See Chapter 2.

160 Milner became High Commissioner in May 1897. See Chapter 5 for details.

161 C van Onselen, `Reactions to rinderpest in southern Africa 1896-7', Journal of African History, 12, 3, 1972, pp. 473-88.

ruminants and swine, characterised by diarrhoea, nasal and lacrimal discharge and by the ulceration of the mucous membrane of the mouth".[162] Even as late as May 1896, Natal's Chief Veterinary Surgeon had to admit that "no remedies have yet proved of any use ...". He then described the symptoms and the horrible death of cattle stricken by rinderpest:[163]

> Experience soon guides the eye and ear, and the broken-winded cough and the discharge of tears from angry-looking eyes are at once noticed. As the disease runs on, the animal becomes dull and disinclined to rise from the ground - some of the beasts may be constipated, passing hard pellets of yellow grey clay - but most will be affected by a watery and foeted diarrhoea, often tinged with blood. The temperature is very high and the breathing laboured ... ropey saliva hangs round the mouth and nostrils ... As the temperature falls, the animal becomes semi-comatose and weakens, muscles quiver incessantly, moaning and gulping increase and about six days after an attack commences the beast dies ..."

Considering the crucial role of cattle in African communities economic and social life - they were the pivot of ukulobola and were extensively employed by those who responded to the new opportunities offered by the industrial economy - in ploughing for extensive crop production, transport riding, dairy and meat production and hides, it is not surprising that rinderpest played a prominent part in several major political upheavals in 1896-7 such as the revolts in Southern Rhodesia, the Langeberg rebellion[164] and political disturbances in Basutoland.

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162 Kenyan Veterinary Surgeon, quoted by C Ballard, 'The repercussions of rinderpest: Cattle plague and peasant decline in Colonial Natal', unpublished paper, 1984, p. 7.

163 Natal Witness, 6 May 1896, quoted by Ballard, 'Repercussions of rinderpest', p. 7.

164 TO Ranger, Revolt in Southern Rhodesia 1896-7, p. 113; and, H Saker and J Aldridge, 'The origins of the Langeberg Rebellion', Journal of African History, 12, 2, 1971, pp. 299-317.

Lagden first became involved with rinderpest in August 1896 when he was instructed by General Goodenough, acting High Commissioner, to travel to Vryburg in the Northern Cape to attend the Rinderpest Conference to be held there involving delegates from all over South Africa.[165] He believed that proceedings at the conference would vitally affect Basutoland because it was a landlocked country and relied entirely on the Orange Free State for supplies. In addition, the Basutoland Mounted Police was only geared to occasional border patrols to hinder liquor smuggling and to the supervision of the annual tax collection. It was far too small to provide the necessary manpower for the close supervision required to prevent or check the spread of the disease.[166] Significantly, both Lagden and Newton, who represented Bechuanaland, were implicitly instructed not to commit themselves at the conference to any expenditure.[167]

After a week's deliberations the conference passed a series of resolutions.[168] The more important were that the most effective way of preventing the spread of rinderpest was by the creation of double wire fences 500 yards apart. This, it was argued, would prevent the introduction or spread of the disease. In areas already infected, this would enable infected districts to be isolated. There should also be a strict enforcement of pass laws for Africans. However, no mention was made of restricting or controlling the movements of whites. Africans and their clothes were to be properly cleaned and disinfected, as were hides and horns, in a solution of five per cent carbolic acid. Sheep and goats were also to be dipped in the solution whilst wool and mohair

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165 CO 417/186/19643, Acting High Commissioner - Secretary of State, 31 August 1896; Lagden Diary, 1896, 21 August; and, CO879/515, "Further Correspondence relating to the Outbreak of Rinderpest in South Africa in 1896 and 1897', September 1898.

166 CO 417/186/12130, Lagden to High Commissioner, 9 May 1896 and 11 May 1896.

167 CO 417/186/19643, Acting High Commissioner to Secretary of State, 31 August 1896.

168 Cape Times, 7 September 1896, Enclosure 1 in CO 879/ 515, pp. 60-1.

were to be properly 'scoured'. Finally, all infected cattle were to be shot and burned. These resolutions which were supposedly to be the basis of the campaign to halt the spread of the disease, were to prove both impractical and ineffective. Chamberlain, realising the likely size of claims for compensation of diseased cattle shot, cabled Rosmead (Robinson) to make him aware that compensation would only be paid "to prevent actual destitution among the natives" and that the "help of the Government should be kept in reserve or diverted elsewhere".[169]

As Lagden was committed to the Customs Conference in Bloemfontein between 7 and 10 September[170], he returned to Maseru on 12 September. However, once back he was most energetic in preparing for the outbreak of the disease.[171] Initially, he conferred with the white traders in Maseru and sought their advice and opinions. Then he organised for notices to be prepared for distribution at a national pitso which was arranged with Lerotholi. Also, quite naturally, he briefed the officers. In a despatch to Rosmead[172], he pointed out that double fences were impossible in Basutoland because of the state of finances. Later, he was to admit that the Basotho were not prepared to willingly 'give up' the land merely as a precaution. He had to inform the High Commissioner that the Free State delegates at the conference had notified him that they were not prepared to share the costs of a joint fence nor even erect one unless the disease first appeared in Basutoland, and then, the Basotho would have to share the costs. Much of Lagden's discussions with Lerotholi were rather unsatisfactory largely because Lerotholi "seemed boozy".[173]

It appears that Rosmead, influenced by the Cape press, was more alarmed

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169 CO 879/515, pp. 64-5, Chamberlain to Rosmead, 2 October 1896.

170 CO 417/186/18211, Acting High Commissioner to Chamberlain, 6 August 1896; and, Lagden Diary, 1896, 7-10 September.

171 CO 879/515, pp. 67-8, Lagden to Rosmead, 13 September 1896.

172 Lagden Diary, 1896, 10-16 September.

173 Lagden Diary, 1896, 15 September.

than Lagden. In reply to a telegram querying the closing of drifts and the shooting of cattle, in anticipation of rinderpest[174], Lagden was able to reassure him that the rumours were "groundless" and that he was endeavouring to educate the people of the dangers of rinderpest. He concluded that Rosmead could rely on him "not to attempt any heroic measures as rumoured".[175] He later added that an official contradiction would be useful especially if it noted the "useful spirit of cooperation" being shown by the Basotho.[176]

A second meeting with Lerotholi appears to have been more productive.[177] A thorough discussion was held and Lerotholi "concurred" in all the suggestions made and "cordially expressed his gratitude on behalf of the nation for the consideration Government had given to the matter and his determination to support the measures suggested". Lagden further noted "any proposal on our part to shoot cattle in Basutoland as being futile unless we had an army to support it". The pitso would be held on 1 October after a preliminary meeting of the officers had been held on 29 September.

At this meeting, Lagden made several "suggestions" to Lerotholi.[178] At no stage were they orders or instructions. In other words, as Lagden pointed out, the Government would "warn" and "indicate precaution" to the Basotho. In the end, everything would "depend on the determination of the Basuto to unite, with one voice" in implementing the necessary steps. He stated that it might be deemed necessary to "shut off communication immediately" (with the Free State and Cape) if the disease approached the border and that it would become necessary to send the cattle towards the mountains to create a clear space where no

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174 CO 879/515, p. 71, Rosmead to Lagden, 23 September 1896.

175 Ibid., p. 71, Lagden to Rosmead, 23 September 1896.

176 Ibid., p. 71, Lagden to Rosmead, 24 September 1896.

177 Lagden Diary, 1896, 16 September; and, CO 879/515, p. 72, Lagden to Rosmead, 24 September 1896.

178 Ibid., pp. 72-3.

cattle would be allowed to remain. Any beast dying from the disease "should not be skinned or eaten but buried" deep in the ground.

Before the pitso was held, in order to strengthen Lagden's authority, and no doubt give him the moral support of the High Commission, Rosmead cabled Lagden to inform the Basotho:[179]

> I regret to have to inform them that a terrible cattle disease is spreading throughout South Africa and that this disease is very infectious and that if any portion of the Basuto cattle are to be saved, both chiefs and people must loyally cooperate with the ... authorities ... The existence of the whole of the Basuto cattle is at stake and all must work together if they are to be saved.

The pitso was "largely attended" and, despite suffering from an acute attack of neuralgia[180], Lagden was able to inform the Colonial Office that the Basotho displayed "complete confidence in and readiness to obey" the Administration.[181] His dairy entries confirm his satisfaction. Indeed, his cable to Rosmead read:[182]

> Unanimous desire expressed at National Pitso for cooperation with all Government measure for preventing spread rinderpest to Basutoland.

On 8 October, with rinderpest confirmed in the Orange Free State, Basutoland was proclaimed by Lagden as an "infected area".[183] The decision came after Cape Africans en route home from the goldfields entered into Leribe. He proposed to "summarily close the border to all

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179 CO 879/515, p. 74, Rosmead to Lagden, 28 September 1896, telegram.

180 Lagden Diary, 1896, 1-3 October.

181 CO 417/186/23906, Annual pitso, 1 October 1896.

182 CO 879/515, p. 82, Lagden to Rosmead, 2 October 1896, telegram.

183 Lagden Diary, 1896, 8 October; and, CO 879/515, p. 91, Lagden to Rosmead, 8 October 1896.

traffic and prohibit the removal of cattle, to clean a belt inward from end to end of our border of about five miles".[184] Expenditure would, however, be kept as low as practicable. However, Rosmead informed Lagden that "no question of expense should stand in the way of our taking all necessary steps".[185]

As soon as Lagden authorised the introduction of the five mile cordon sanitaire, he began to face growing opposition.[186] Basotho resistance initially evolved around their reluctance to remove cattle from areas where the ploughing of summer crops was incomplete due to a lack of soaking rain. Later, however, it became evident that the Basotho feared the land would be handed over to the Orange Free State. Displaying tact, restraint and common sense, he informed Rosmead that he hoped "to overcome such matters quietly and make provision for cultivation [later] when the land gets softened" from rains. Jonathan's people were "working admirably" with the Administration but Masopha was proving "obstinate and obstructive". Rosmead cabled back his appreciation of "the zeal and energy which you and your officers have displayed in the matter".[187] In the meantime, rinderpest continued to make its way towards Basutoland. It reached Fauresmith on 10 November, Rouxville on the 13th and Kroonstad on the 14th.[188]

On 19 November, some cattle died in Leribe under doubtful circumstances and on 23 November, Lagden had to inform Rosmead that there was "no doubt outbreak was rinderpest".[189] Optimistically, he added, "no present indication of spreading". However, he was well aware that the guarding of the border had not been properly maintained[190] and that

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184 Ibid., Lagden to Rosmead, 8 October 1896.

185 CO 879/515, p. 96, Rosmead to Lagden, 9 October 1896, telegram.

186 Ibid., p. 98, Lagden to Rosmead, 14 October 1896, telegram.

187 Ibid., p. 99, Rosmead to Lagden, 14 October.

188 Ibid., p. 119, Lagden to Rosmead, 14 November 1896.

189 Ibid., p. 119, Lagden to Rosmead, 19 and 23 November 1896.

190 Lagden Diary, 1896, 29 October.

the outbreak at Leribe had been concealed despite all of the Administration's efforts and warning.[191]

In his seminal article on rinderpest, Charles van Onselen has stressed the importance of rumours in the wake of the arrival of rinderpest in South Africa as being the catalyst which sparked off African attempts to assert their independence of white rule.[192] Despite Lagden's efforts to reassure the Basotho and to keep them informed of developments, there were great opportunities for rumour-mongers. One such rumour attributed by Lagden to Free State Boers, was that Cecil Rhodes was behind the spread of rinderpest.[193] Another development regretted by Lagden was Sprigg's sudden appearance in Matatiele, in Griqualand East, where fence and border guards were being recruited.[194] A rumour circulated amongst the Basotho that these men were being conscripted for the purpose of attacking Basutoland. Another report told of the Administration importing loads of ammunition whilst another had it that Basutoland was shortly to be opened for gold prospecting.

However, amidst all the rumours, it was the actual erection of fencing on the border between Basutoland and the Cape which most aroused Basotho hostility and suspicion.[195] It may not be accidental that this area was a remote and isolated section of the country and was less known to both Lerotholi and Lagden. It does not seem that the assistant commissioner, John Griffith, was at fault in performing his duties. Lagden first learned of the threats by Makhaola, a junior son of

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191 Ibid., 20 November.

192 Van Onselen, 'Reactions to rinderpest', p. 475.

193 Lagden Papers (Wits), D 1, Basutoland, Lagden to Rosmead, 10 January 1897; and, CO 417/224/3930, Lagden to Rosmead, 16 January 1897.

194 Lagden Diary, 1896, 17 December.

195 Van Onselen, 'Reactions to rinderpest', p. 475; BAR, 1896-7, p. 6; and, Lagden Papers (Wits), D 1, Basutoland, Lagden to Rosmead, 10 January 1897.

Lerotholi, on the Cape fencing party led by Walter Stanford, the Chief Magistrate of East Griqualand, on 7 December from both the High Commissioner and Griffith himself.[196]

Makhaola, supported by a large band of armed Basotho, took up a position on the East Griqualand border. He proceeded to intimidate and eventually completely obstructed the work of the Cape Government fencing party.[197] Naturally, this produced great official concern in Maseru and Matatiele as well as Cape Town. Griffith's intervention only served to worsen the situation. He was detained by Makhaola's followers and his horse seized.[198] Fortunately, for all concerned, Stanford realised the gravity of the situation and wisely ordered the Cape border guards to disarm and behave in a quiet and responsible manner.[199]

Lagden's immediate response was not to hasten to Qacha's Nek, but rather, to put pressure on Lerotholi to intervene and prevent further trouble. Messengers were despatched to inform the Paramount to stop the "nonsense" and to threaten to withdraw Griffith as "any insult to him, was an insult to the Queen".[200] Next he carried out long discussions with Seiso, a leading chief.[201] This led Lagden to believe that many of the Basotho were alarmed at proceedings at Qacha's Nek and that the trouble was not part of any general uprising. He therefore decided to send another strong message to Lerotholi, again urging him to take some

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196 Lagden Diary, 1896, 7 December; BAR, 1896-7, pp. 5-7.

197 BAR, 1896-7, pp. 5-7; and, Lagden, The Basutos, pp. 590-2.

198 Lagden Papers (Wits), D 1, Basutoland, Lagden to Rosmead, 10 January 1897.

199 BAR, 1896-7, pp. 6-7; and, Stanford Diary, 1896, entries for December provide the Cape version of events. Stanford soon realised that Lagden was opposed to taking drastic measures on account of his acting capacity as Resident Commissioner.

200 Lagden Diary, 1896, 8 December.

201 Lagden Diary, 1896, 9 December.

action.[202] On 12 December, after a ride of fifteen hours, Lagden, accompanied by three of Letsie's sons, Seiso, Moyela and Nqoebe[203], all "strong advocates for the maintenance of law and order"[204], arrived at the distant outpost. It is significant that no major Basotho chief had joined Makhaola's escapade but that Africans from East Griqualand appeared to be preparing to join the trouble.[205]

Lagden's actual handling of the situation at Qacha's Nek was very effective. Flanked by the three chiefs, he "removed Makhaola from the scene to Matieng" and arrested the four men who had actually threatened Griffith.[206] At the same time, he made it very clear that he would deliberate with Lerotholi at a pitso on the whole issue.[207] Whilst Cape officials were free to continue their fencing, those arrested began to plead with Lagden and explain their behaviour.[208]

The pitso revealed that Lerotholi was strongly averse to punishing his sons. He was in a "sullen mood" whilst his sons' attitude was "arrogant".[209] The rift between Lagden and the Paramount was, however, rivalled by the rift that had developed between Lerotholi and the nation.[210] It is highly significant that Masopha remained

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202 CO 879/515, p. 149, Lagden to Rosmead, 12 January 1897; and, Lagden Diary, 1896, 9 December.

203 Lagden Papers (Wits), D 1, Basutoland, Lagden to Rosmead, 15 December 1896,

204 BAR, 1896-7, pp. 6-7.

205 Lagden Diary, 1896, 17 December; and, BAR, 1896-7, p. 7.

206 BAR, 1896-7, p. 7.

207 Ibid.; and, Stanford Diary, 1896, 16 December, Stanford feared that Lagden would permit Lerotholi to be lenient on the offenders. Indeed, Stanford did not appreciate Lagden's position.

208 Ibid.

209 CO 417/224/3930, Enclosure, Lagden to High Commissioner, 16 January 1897; and, BAR, 1896-7, pp. 6-7.

210 Lagden Diary, 1897, 11-12 January.

completely detached from either side whilst Jonathan assured both Lagden and Anglican missionaries, of his desire for peace.[211] Several chiefs, major and minor, informed Lagden of their opposition to Lerotholi on this issue. Seiso, Setha and Maama all professed their support for Lagden.[212] Whilst Bernard, a trusted messenger, told him of "the popular feeling against the disturbance" and that the "rank and file of the people desire quietness only".[213] Much of this can be explained in terms of the prevailing Basotho dissatisfaction at Lerotholi's greed in building up the wealth and power of his younger sons. Lagden's personal view was highly coloured by racial prejudice. He believed that the hostile intentions and ill-feeling of the Basotho were encouraged by Lerotholi which revealed "their savage nature and shows how characteristic of the kaffir it is to have outbursts of fury without any apparent reason".[214] Lagden felt himself trapped. He had to function through the Paramount but as he, Lerotholi, did not wish to cooperate with Lagden, there was a grave crisis. To Lagden, Lerotholi was the "head of the fabric. There was nothing to put in his place if [he were] pulled down by civil dissension".[215] One could not criticise him for underestimating the power of the Paramount and leading chiefs.

The pitso brought matters to a climax. General feeling was "strongly averse" towards Lerotholi's sons.[216] This was reflected in the punishment imposed by the nation's councillors. Each of the three sons was to be fined 100 head of cattle and it was recommended that Makhaola be kept at Maseru under the watchful eye of the Resident Commissioner. Lerotholi was strongly opposed to the sentence and thus, encouraged his

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211 CO 417/224/4018, Enclosure, Jonathan Molapo to Lagden, 14 January 1897; and, CO 417/224/2930, Enclosure, Bishop of Bloemfontein to Rosmead, 12 January 1897.

212 Lagden Diary, 1897, 2-21 January.

213 Lagden Diary, 1897, 6 January.

214 Lagden Diary, 1897, 4 January.

215 Lagden Papers (Wits), D 1, Basutoland, Lagden to Rosmead, 10 January 1897.

216 BAR, 1896-7, pp. 6-7; and, Lagden, The Basutos, p. 592.

sons, led by Letsienyane, to flee from the pitso and cause panic throughout the country.[217] They took up a "warlike position" near Mafeteng, along with a band of turbulent followers and threatened all who approached with overtures of peace. The ensuing excitement and chaos caused Lagden and several chiefs to fear for the lives and property of whites at Mafeteng and Mohale's Hoek.[218]

Still the "youngbloods"[219] failed to win over the support of any of the leading chiefs. Lagden refrained from taking direct action because he feared his intervention might precipitate a major conflict. Instead, on the one hand he continued to work with those chiefs who had pledged their loyalty[220], whilst on the other, he and Lerotholi made quiet overtures to each other.[221] He also had to pass on messages from Rosmead (Hercules Robinson, newly enobled and returned as High Commissioner) to the Paramount to stress his own opposition to unruly behaviour and the support of the Imperial Government for Basutoland.[222] Such a tactic, although slow and open to criticism, at least prevented the outbreak of insurrection and allowed Lerotholi to think things over carefully and coolly.

Immediately after the excitement of the pitso, Lagden believed that the majority of the Basotho were opposed to the behaviour of Lerotholi's sons.[223] A week later he perceived that the excitement was dying down.[224] When Maama, in a private meeting, pledged his own and the

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217 BAR, 1896-7, pp. 6-7.

218 BAR, 1896-7, p. 7.

219 Lagden's description, The Basutos, p. 591.

220 Lagden Diary, 1897, entries 11-29 January.

221 Lagden Diary, 1897, 26 January.

222 CO 879/515, p. 155, Rosmead to Lagden, 31 January 1897, telegram; and, CO 417/224/3932, Rosmead to Chamberlain, 1 February 1897.

223 Lagden Diary, 1897, 12 January.

224 Ibid., 19 January.

country's support[225], Lagden was convinced, given time, that peace would prevail, despite Lerotholi's support for his sons and the clamour of white South Africans that immediate action be taken against the sons.[226] With no real force of his own, this was never a realistic option for Lagden. However, the demandsof white South Africa, as seen by Lerotholi in newspapers, caused him to fear a Cape takeover.[227] Ironically, it was Maama who acted as his emissary in helping to heal the breach with Lagden.[228] However, of more immediate danger was the rapid spread of rinderpest in March 1897.[229]

Widespread Basotho opposition to the five mile buffer zone, along with consequent hardships such as the shortage of cattle for ploughing and transport and the lack of milk, forced Lagden to recommend the zone be reduced to one mile.[230] However, as he noted to Rosmead, "the large zone is safer but it is a choice of evils". The reduction probably speeded-up the inevitable - the advance of the disease. Lagden later realised that the disease had spread during the initial scare in November 1896 when cattle in border districts were moved into the interior of the country.[231] When it became known that rinderpest was spreading rapidly towards Basutoland, Sprigg decided to despatch two veterinary surgeons to assist the Basutoland Administration.[232] The main task was to teach the officers how to inoculate cattle using Professor Robert Koch's method of treating rinderpest which was, as

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225 Ibid., 21 January.

226 Ibid., 25 January; and, CO 417/224/4018, Lagden to Rosmead, 16 January 1897.

227 CO 417/224/7485, Enclosure, Lagden to Rosmead, 16 January 1897.

228 Lagden Diary, 1897, 29 January.

229 CO 417/224/7485, Lagden to Rosmead, 29 March 1897. Also, see entries for March and April in Lagden Diary, 1897.

230 CO 879/515, p. 154, Lagden to Rosmead, 25 January 1897, telegram.

231 Ibid., Lagden to Rosmead, 18 March 1897, telegram, p. 154.

232 Ibid., Ministers (Cape) to Governor, 18 March 1897, p. 174.

yet, unproved.[233] This process, pioneered in the Transvaal, had proved far superior to the bile method in the immunization of healthy cattle and in the curing of diseased animals. The process involved simply, the inoculation of healthy stock with 100cc of blood from the fortunate few animals which had survived rinderpest and were thus immunized or 'salted'. Cattle already suffering from the symptoms of the disease were given a more potent dosage of the 'salted' blood.

Late in March, Lagden wrote to Rosmead to explain his approach.[234] He considered it only worthwhile to offer assistance to those chiefs who would cooperate with the Administration and be willing, and able, to discipline and manage their followers in supervising their cattle effectively. His first move was to meet the Paramount at Mafeteng and organise a camp of sixteen square miles within the quarantine area. Maama and Letsienyane, Lerotholi's son, were to patrol the camp to preserve the quarantine. Secondly, the veterinary surgeons performed several post mortems around the country to explain to officers and the Basotho the "course of the disease" and its "manifestation". Thirdly, the process of inoculation was publicly demonstrated and witnessed. The cattle used at Maseru were Lagden's personal herd. Fourthly, it was emphatically stated that cattle with previous infection were most unlikely to survive. Fifthly, inoculation of cattle would be completely voluntary. There would be no force or compulsion. Sixthly, even where cattle were dying from rinderpest, there was to be no killing of such animals by Government officers. Despite great pressure from the veterinarians and traders, Lagden stood his ground. This was in complete contrast to Bechuanaland and Natal, where the shooting of infected beasts provoked hostile reactions from Africans, and failed to halt the spread of the disease.[235]

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233 Ballard, 'Repercussions of rinderpest', p. 19; and, van Onselen, 'Reactions to rinderpest', pp. 483-4.

234 CO 879/515, pp. 179-80, Lagden to Rosmead, 29 March 1897.

235 Cassidy, 'Britain and Basutoland'; and, Ballard, 'Repercussions of rinderpest', p. 11 and pp. 20-6.

In this and the issue of the cleared zone between fences, Lagden had the support of all the officers, including Barrett.[236] Despite the potentially disastrous results in allowing Basotho opinion to prevail, Lagden was forced to admit that he really had no option but to follow Basotho wishes. In retrospect, he was correct. Unlike Bechuanaland, there was no uprising in Basutoland and those chiefs who did cooperate survived the crisis and were much stronger forces within the nation than before the epidemic. As will become apparent, van Onselen's belief that the disease hit all groups equally does not stand up to analysis, certainly not in Basutoland.[237] Ballard also has shown that whites in Natal experienced half the losses of Africans.[238]

It would appear that the majority of Africans failed, at least initially, to realise the seriousness of rinderpest. Others believed that their own doctors could cure the disease, while others, lacking confidence in the veterinary surgeons who, in any case, were unsuccessful in their first efforts, refused to cooperate.[239] The early failures were later explained by the cattle being infected before the inoculation.[240] Those Basotho who had confidence in the Administration received enthusiastic support and cooperation from the officers. There does not appear to have been any plan to discriminate against groups headed by chiefs unpopular with the Administration. Generally speaking, uninoculated herds had a mortality rate of 98-99% whilst inoculated herds experienced a survival rate of over 70%.[241] Of the 200 000 cattle in Basutoland, half were inoculated, with a

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236 CO 879/515, p. 181, Lagden to Rosmead, 7 April 1897; and, Lagden Papers (Wits), D 1, Basutoland, Lagden to Rosmead, 7 April 1897 (draft).

237 Van Onselen, 'Reactions to rinderpest', pp. 482-3.

238 Ballard, 'Repercussions of rinderpest'. pp. 20-6.

239 BAR, 1896-7, p. 8.

240 Lagden Papers (Wits), D 1, Lagden to Rosmead, 19 May 1897 (draft).

241 CO 879/515, p. 211, 'Memorandum. Rinderpest inoculation in Basutoland', Lagden, 8 September 1897.

success rate of about 75%. Hence, 125 000 cattle died from rinderpest.

Basotho attitudes towards rinderpest[242] can be divided into three main groups. First, there were those who fully cooperated with the Administration, of whom Lerotholi and Jonathan were the most prominent. It should be noted that included in Lerotholi's cattle would be those of his sons and of Maama as well as those of the nation. Jonathan may have been the only African leader to authorise the shooting of his followers' cattle which had become infected.[243] As noted above, these people managed to keep over 70% of their herds intact. Secondly, there were those who completely rejected the Administration's efforts. Particularly prominent here were Masopha, Joel and Bereng. This group lost the vast bulk of their herds. Thirdly, there were those groups, mainly minor chiefs who initially rejected inoculation, then sought aid. They suffered substantial though not total losses.

Considering the central role of cattle in Basotho society, it must be assumed that the rinderpest epizootic caused considerable changes within and between various groups. At the more obvious level, there was the shortage of cattle for ploughing, of milk in diet and the loss or reduction of `stored' wealth. Those chiefs who survived the epizootic best were placed in a far stronger position than before. Economically, they had the means to plough lands and transport goods. Another alternative was to hire out cattle to neighbours with no stock. They did not have to replenish their herds to the same extent as others nor did they have send out vastly increased numbers of men as migrant labourers[244] and thus lose the labour and services of such people. It is pertinent to note that societies attempting to rebuild their herds

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242 These can best be followed in the report of the assistant commissioners included in the BAR's for 1896-7 and 1897-8.

243 BAR, 1896-7, p. 19. "On May 24 Ntebele's village became infected and disease was stamped out by Jonathan, upon his own responsibility, shooting all the sick cattle.

244 In 1895/6 28 115 passes for labour were issued; 1896/7 the number fell to 11 778 because of restrictions due to rinderpest; and, in 1897/8 the number rose to 30 274. BAR, 1897-8, p. 16.

had to purchase beasts at highly inflated prices.[245] Socially, those societies with cattle were able to obtain wives through ukulobola. Hence, they continued to grow and flourish. Politically, they were far stronger and influential for, apart from land, cattle were the next indicator of wealth and power amongst the Basotho.

Thus, Lerotholi's power over, and within, the nation was greatly increased, whilst Masopha suffered an irreparable blow and his power and prestige declined considerably. In the north, Jonathan consolidated his hold over Leribe at the expense of Joel. Whilst in Quthing, Nqoebe gained considerably over his enemies. It was from about this time that Griffith Lerotholi became a prominent factor within the Mohale's Hoek district. His cooperation over inoculation paid dividends. One can speculate that the success achieved here laid the foundation for his gradual rise as an important factor in Basotho politics generally and as an effective voice of his father, the Paramount.[246] Particularly if one considers that the South African War was only two years away, the rinderpest epizootic may be considered to have profoundly influenced the balance of power within the country to the advantage of the Administration. There was the danger of malcontents, when desperate, using the opportunity to regain lost power and prestige. What is undeniable is that the dominance of Lerotholi over the major chiefs was greater than before, and that both in the north and south of the country, major supporters of the Administration had enhanced their positions and power.

Whilst H Fox-Bourne[247] of the Aborigines Protections Society was highly critical of the Bechuanaland administration's handling of

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245 The price of cattle rose from £3 per head to £7 per head. BAR, 1897-8, p. 22. The number of cattle legally imported into Basutoland increased from 427 in 1895 to 711 in 1898, and, ibid., p. 14.

246 BAR, 1897-8, pp. 35-6.

247 HR Fox-Bourne, 'The case for "the Bechuana rebels"', Fortnightly Review, CCCLXXI, New Series, 1 November 1897.

rinderpest and Charles Ballard[248] is equally so of Natal, the same cannot be said of Lagden in Basutoland. His whole approach was governed by his sensitivity to the wishes and preferences of the Basotho. Having decided to adopt a persuasive role, he did not resort to more direct and forceful methods. He depended entirely on Basotho cooperation. Apart from this, he displayed great physical energy and determination in assisting the officers and people in combatting the disease. Perhaps more crucial, despite great outside pressure, he displayed commendable restraint and patience when things went wrong.[249] Apart from his own understanding of events, it is tempting to argue that the Basotho were fortunate that Rosmead (Sir Hercules Robinson) was High Commissioner when the crisis was at its worst. Lagden's confidence in Rosmead, and vice versa, was important. How important, will become apparent later on when Sir Alfred Milner became High Commissioner and events did not go according to plan. Certainly, Lagden was not the man for "heroics".[250]

Not surprisingly, Lagden's efforts earned him great plaudits from Colonial Office personnel. His despatches, with their outlines and comments, repeatedly won praise and earned confidence. On a despatch outlining steps taken to combat rinderpest, Just noted that the "Basutoland Government [is] showing promptitude and vigour", whilst Fairfield[251], after reading the report of the 1896 pitso, when Lagden had spoken of rinderpest, noted:

> I do not think that ever in the British Empire [that] there is a parallel to the Government of Basutoland where we have established perfect order and won the complete confidence of the natives at a cost almost entirely borne by themselves.

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248 Ballard, 'Repercussions of rinderpest', pp. 20-3.

249 This is evident from his various despatches to Rosmead in CO 879/515 for March and April 1897.

250 By "heroics", a favourite of Lagden's, he meant decisive and probably disastrous actions.

251 CO 417/186/23068, Just to Fairfield, 13 November 1896; and, ibid., Note by Fairfield, 9 December 1896.

Then Selborne[252], after studying Lagden's despatch concerning the outburst at Makhaola annotated

> Mr Lagden's despatch is a remarkable one. If he pulls us through this period of native unrest without a war, he will deserve very well of his country. To have to smash the Basuto would be simply disastrous. Their potential value on the flank of the OFS is immense.

Indeed, Lagden's despatch was well-argued.[253] He correctly pointed out that the Government had no force to use and had to rely on a very fickle public opinion. Hence, to attempt to introduce force would have to be most carefully considered because it was likely to provoke further resistance and opposition. Of course, he was recommending a policy that both the Colonial Secretary and Colonial Office wanted to hear.

By the end of April 1897, when the Makhaola scare had receded, Pretyman, the Imperial Secretary in Cape Town, suggested to Selborne "some notice" be taken of Lagden as his success had been "invaluable in carrying Basutoland through a dangerous crisis".[254] Graham agreed that Lagden deserved "substantial recognition of his services", but if Clarke returned from Zululand, his (Lagden's) salary would be a problem. As an assistant commissioner, Lagden received £650 salary whilst as Resident Commissioner he could earn up to £2 000. He was receiving £1 400 at that time but "would probably be well satisfied" to be confirmed in the office of Resident Commissioner. A possibility was that he and Newton, in Bechuanaland, could swop positions. However, that did not settle the problem of Clarke's probable return and the

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252 CO 417/224/3930, Note by Selborne, 26 February 1897.

253 Ibid., Enclosure, Lagden to Rosmead, 16 February 1897.

254 CO 417/224/8652, Pretyman, Imperial Secretary, to Selborne, 29 April 1897.

great risk of placing a "stranger" over the Basotho.[255] Graham urged that he be given further "compliments". Selborne agreed and posed the question, "Has Lagden earned his KCMG?"[256] Evidently he had and on 23 June 1897 he received notification of his honour.[257]

Finally, before concluding, it is necessary to pay some attention to Lagden's annual reports. Apart from providing the normal chronological survey of each year which highlighted major events, two other themes recur. These were the great industrious efforts of the Basotho and the delicate and unpredictable nature of Basotho society. The main motive behind Lagden's praise for Basotho energies and labour was to counter the critics of the system with an account of Basotho progress. Hence, he pointed out that they were credited with "superior and developing intelligence, industrious habits and eagerness to guard themselves against causes of complaint" and that the male population performed all the hard work of ploughing, weeding and harvesting, as well as road and public works repairs and providing 20 000 migrant labourers in 1893/4[258], increasing to 28 000 in 1895/6.[259] Indeed, to Lagden, "the industry of the people [was] proverbial".[260]

On the other hand, Lagden wished to provide arguments against reform and changes which he reasoned were likely to provoke unintentional crises. Even though the Basotho were "progressive", he reckoned that "the characteristics of the Kaffir race predominated" in them, and it

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255 Ibid., Note by Graham, 11 May 1897.

256 Ibid., Note by Selborne, 12 May 1897.

257 Lagden Papers, Mss Afr S, 209/1/1, Milner to Lagden, 14 June 1897, informed him that Chamberlain wished to express "satifaction with the successful policy pursued by you during the late crisis in Basutoland"; and, ibid., Chamberlain to Lagden, 21 June 1897, informed him of his Knight Commander of the Most Distinguished Order of St Michael and St George. Also, Lagden Diary, 1897, 23 June.

258 BAR, 1893-4, p. 7.

259 BAR, 1895-6, p. 5.

260 BAR, 1894-5, p. 7.

would be unwise to "attempt vigorous eradication" of their racial characteristics, or to "graft prematurely upon [the Basotho] European ideas and institutions [which were] neither suitable nor sympathetic". Indeed, they were "suspicious of all innovation" and there was much room for the "exercise of forbearance during their efforts towards development". One had to be careful not to measure Africans by European standards.[261] They "lacked capacity to govern themselves" and though they were intelligent, were "dependent in their childish weaknesses and art of deception upon firm and generous guidance". The sweeping measures of reform, "so urgent and expected", were more likely to offend "popular [Basotho] sentiments and convictions than to effect the object immediately desired". However, "loose philanthropy [had] equally little to recommend it".[262] Such paternalism was to be a considerable portion of Lagden's beliefs for the duration of his life. His self-assumed racial superiority prevented him from accepting those people of other races as being equal and loyal subjects. In the final report of the South African Native Affairs Commission of 1905, such paternal views bordering on arrogant pomposity were to dominate and decorate much of the rhetoric of the document.

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[261] BAR, 1894-5, p. 6.

[262] BAR, 1895-6, p. 5.

CHAPTER 5

BASUTOLAND 1897 - 1900

Between July 1897 and December 1900 when Lagden returned to England on leave, several major crises occurred in Basutoland. The protracted struggle between Lerotholi and Masopha came to a head; Milner increasingly involved himself in the formulation of Basutoland policy; and the clash between the Imperial Government and the Boer Republics led to the outbreak of war in October 1899. The strategic position of the colony along the eastern flank of the Orange Free State made it vulnerable to Boer intrigue and invasion. It proved advantageous to the Imperial Government to threaten the Orange Free State with a Basotho invasion as the Boer forces could not be deployed elsewhere. Despite the early debacle of British military tactics and the spirited Boer resistance during 1900, Basutoland suffered more from the threat of war than from actual invasion. The isolation of Maseru, the paucity of available British forces, and the alleged Basotho connivance with frontier farmers caused Lagden considerable anxiety and concern. When Lagden rejoined his wife and family in January 1901, he badly needed a spell of complete mental and physical relaxation and recuperation.

Masopha's Final Resistance.

By June 1897, the real threat of the rinderpest epizootic had passed. Nevertheless, the disease continued to spread.[1] Leshoboro, son of Majara, one of Moshoeshoe's four principal sons[2], determined to regain land lost to Masopha during the Gun War.[3] The lands in

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1 BAR, 1897-8, p. 8.

2 Ibid., pp. 4-5. Also CO 417/225/17863, Enclosure, Lagden to Milner, 17 July 1897; and, CO 417/227/19958, 'Disturbances in Berea'.

3 This was one of the Administration's perennial problems, see Lagden, The Basutos, pp. 593-4.

question lay in the north of the Berea district and were under the control of Thebe, a son of Masopha. In 1884/5, disputes over these lands had caused both Letsie and Clarke to intervene on behalf of Leshoboro and his late brother, Ramanella[4], but Masopha's family had been able to defy the interventions. The weakening effects of the rinderpest on Masopha, and the encouragement of Lerotholi[5], probably caused Leshoboro to move against Thebe.

The dispute was soon handed over to Lagden by Lerotholi when the Paramount suspected that both Maama and Jonathan, and as later transpired, Theko and Seiso, preferred to support Masopha and Thebe.[6] Lagden summoned both parties to Maseru for a pitso to determine the future of the lands. To S Barrett, the commissioner in Quthing, it appeared that the situation had reached a "deadlock" and that Lerotholi was now unwilling to cooperate with Lagden.[7] Further, he learned from an informant that Masopha had indicated that he would rather die than give up his district rights.[8] Masopha was, in Lagden's opinion, "contumacious" and "obstinate" and completely uncooperative.[9] However, he sensed that the chiefs who transmitted his messages, especially Maama and Seiso, were conniving with Masopha.[10] Hence, Lagden's decision to go ahead with the pitso, with or without, Masopha.[11] This forced Masopha to comply and attend the pitso. He

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4 See Chapter 2.

5 BAR, 1897-8, p. 5. Also Lagden Diary, 1897, entries for July.

6 Lagden Diary, 1897, 27 July.

7 Stanford Papers, B 12.1, Barrett to Stanford, 17 August 1897.

8 Lagden Diary, 1897, 21 July.

9 Lagden Papers (Wits), D 1, Basutoland, Lagden to Milner, 3 August 1897; and, Lagden Diary, 1897, 21 July.

10 Lagden Diary, 1897, 27 July.

11 BAR, 1897-8, p. 5.

arrived with a large following which was secretly armed.[12]

The pitso reaffirmed the rights of Leshoboro and infuriated Masopha who, realising the role of Lerotholi, submitted to Lagden's decisions but "vent[ed] his spleen against Lerotholi in no measured language".[13] Such were the suspicions and ill-feelings that the Paramount thought it prudent to provide Leshoboro's followers with an armed guard whilst they prepared the concerned lands.[14] This incident reflected the growing tensions and pressures within Basotho society and suggested that a major conflict between Lerotholi and Masopha was imminent. Indeed, one can argue that desperation was becoming Masopha's motive force. On the other hand, Lagden's rift with the Paramount, so evident in January[15], had to a considerable degree, been healed. Still, Lagden saw fit to remind him that unless fighting between the chiefs ceased, the Basotho were likely to lose "the large measure of independence they at present enjoy".[16] Whilst to the nation at large, he warned that "the enemies you have to fear are yourselves".[17]

The 1897 pitso revealed that many of the Basotho were unhappy with the chiefs.[18] Setlala stated that he believed "the country [to be] full of lies and wanted to know why the chiefs had not consulted the French missionaries. He opposed the Police because they had allowed

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12 CO 417/225/19958, `Disturbances in Berea', Enclosure, Lagden to Milner, 1 August 1897.

13 BAR, 1897-8, p. 5.

14 Ibid.

15 See Chapter 4..

16 Lagden Papers (Wits), D 2, Basutoland, Lagden to Lerotholi, 20 September 1897.

17 Ibid., `Pitso notes', 21 October 1897.

18 CO 417/225/25582, `Pitso notes', 21 October 1897.

disturbances in January to take place".[19] Another minor chief, Khomo, wanted to know why the chiefs did not take the initiative in maintaining peace. More pointedly, he wanted to know why Jonathan and Masopha were always "mixing things".[20] Such statements probably suggest that there was growing dissatisfaction amongst lesser chiefs and commoners with the behaviour of the leading chiefs.

Certainly, Barrett sympathised with the commoners.[21] He alleged that:

> these wretched people get very small satisfaction if they venture to complain of their chiefs ... if anyone ventures to complain against [them] to the Government, he is a marked man and will be made to `sit up' sooner or later

Putting the matter into a broader perspective, Jingoes[22] has argued that:

> Under the British, I saw the Chief's role change from that of a father to administrator. These were the years when the essence of Chieftainship - a chief is a chief by the people - was lost. What is meant by this is that the Chief and the people served each other, they both stood to gain by their relationship.

Immediately after the Leshoboro-Thebe crisis had subsided, Milner summoned Lagden to Cape Town to discuss his future as well as recent events in Basutoland.[23] According to Milner, Clarke preferred to go to Bechuanaland or retire after completing his stint in Zululand. This

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19 Ibid., paraphrase of Setlala.

20 Ibid., paraphrase of Khomo.

21 Stanford Papers, B 12.4, Barrett to Stanford, 1 December 1897.

22 Perry and Perry (eds), A chief is a chief, p. 171.

23 Lagden Diary, 1897, 7 August.

would allow Lagden to continue in Basutoland as Resident Commissioner.[24] Coincidentally, Clarke was in Cape Town at the same time as were Judge and Mrs Kotze and Alfred Blackburn. However, the social side of the trip was minimal. Basutoland and Lagden's own prospects were of more vital concern. Though Milner professed "Basutoland to be a marvel"[25] and that he opposed any change in policy and wished to "defer change" for as long as possible[26], he informed Lagden that he was concerned with the lack of effective authority that the Imperial Government possessed in Basutoland. He wanted Lagden to be sure that Lerotholi realised that if the Basotho did not obey instructions, they would end up as a "subject race".[27]

Lagden became increasingly concerned about his own prospects and poured his heart out in a letter to O Walrond[28], Milner's private secretary. He reminded him of his fourteen years service in Basutoland, of which he had been "acting" as Resident Commissioner for four. He claimed that he had "subordinated [his feelings] to public expediency, but [had] nevertheless, felt it keenly", especially the "stigma of `acting'". The possibility of Clarke's return to Basutoland would be "an injustice" as he (Lagden) would then have to accept less pay and an inferior position. Indeed, if Clarke did return, it would bring about an "insurmountable disturbing situation" but he would be prepared to remain in a special position at a minimum rate of three-quarters of his present pay and allowances. However, after admitting that his family wanted to leave Basutoland and that he had had "a hard time here" he expressed the hope that Clarke would return and offered to "go on [his]

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24 Ibid., 14 August; also, CO 417/225/27789, `Clarke'.

25 Headlam, Milner Papers, 1, p. 158, Milner to Chamberlain, 17 August 1897.

26 Ibid., p. 180, Milner to Asquith, 18 November 1897.

27 CO 417/225/19958, Milner to Lagden, 25 August 1897.

28 Milner Papers, FK 1093, p. 1221, Lagden to Walrond, 3 October 1897.

way on a generous pension". Within a week, Milner had written to Selborne strongly recommending that Lagden be kept in Basutoland.[29] However, no action was taken until Lagden had successfully handled the gravest crisis that manifested itself under British rule in Basutoland - Masopha's challenge to Lerotholi's authority.

In early December 1897, Moiketsi, a junior son of Masopha, crossed into the Free State with a band of followers to capture a Mosotho woman who had run away from her husband and eloped with another man.[30] Evidently, this was a common occurrence. The invading party was apprehended by the Free State authorities. Moiketsi and his followers were tried and sentenced to lashes and imprisonment.[31] However, Moiketsi and Maboka, a local prisoner, succeeded in escaping, or perhaps as Lagden suspected, were allowed to escape and return to Basutoland where they sought the protection of Masopha.[32] Naturally, the Free State authorities applied for extradition, but as the Volksraad had not ratified the Extradition Treaty, Lagden, grudgingly supported by Milner, refused to hand over Moiketsi[33] who was, however, liable for trial within Basutoland.

The dispute became serious when Masopha refused to hand over the two[34] even though it was apparent that Lagden had considerable

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29 Milner Papers, FK 1099, p. 798, Milner to Selborne 13 October 1897.

30 Lagden, The Basutos, pp. 594-7.

31 BAR, 1897-8, pp. 5-7.

32 CO 417/225/580, 'Masopha', Enclosure, Lagden to Milner, 5 December 1897.

33 Milner Papers, FK 1145, pp. 972-7, Milner to Lagden, 16 December 1897.

34 BAR, 1897-8, pp. 5-6, Lagden's speech to the Council of Chiefs emphasised this, Lagden Diary 1898, 'Pitso notes', 31 January.

sympathy for Moiketsi.[35] Masopha's refusal caused Lagden to refer the matter to Lerotholi.[36] In the meantime, taking what was believed to be the popular line amongst the Basotho, Jonathan[37], Bereng and Maama sided with Masopha.[38] At the same time, showing scant experience of Basotho procedure in such matters, and in Lagden's opinion displaying an alarming lack of restraint, Milner almost immediately exerted great pressure on Lagden to force Lerotholi to make Masopha comply.[39] Milner appears, from the outset, to have determined to deploy troops if necessary, to obtain Moiketsi for trial.[40] Lagden realised the likely consequences of Milner's rashness and suspected that he was being "egged on" by Cape civil and military personnel.[41] He pleaded for understanding, patience and tact.[42] Simultaneously, he attempted to convince Lerotholi that the prisoners had to be handed over.[43] Lerotholi was in a delicate position. He was well aware of the justness of Lagden's request, but equally, he was well versed in Basotho attitudes in such a situation. Fearing that he might lose his own

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35 BAR, 1897-8, pp. 5-6.

36 Lagden Papers (Wits), D 1, Basutoland, Lagden to Milner, 17 December 1897.

37 BAR, 1897-8, p. 6; and, Lagden Diary, 1898, `Pitso notes', 31 January.

38 Lagden, The Basutos, p. 596.

39 Milner Papers, FK 1145, pp. 972-7, Milner to Lagden, 13 and 16 December 1897; also, CO 417/225/580, Milner to Lagden, 16 December 1897, telegram; and, Milner to Lagden, 16 December 1897, confidential telegram.

40 Milner Papers, FK 1145, pp. 978-86, Milner to Lagden, 13 December 1897.

41 Lagden Diary, 1898, 16 January. Also see, CO 417/248/3343, Lagden to Milner, 20 January 1898; and, Pretyman to Graham, 15 February 1898.

42 Lagden Papers (Wits), D 1, Basutoland, Lagden to Milner, 19 December 1897.

43 Lagden Diary, 1897, entries for December.

support, Lerotholi progressed very cautiously and tentatively, hoping to persuade Masopha to recant.[44] He requested that no Imperial troops be brought to Basutoland and that he be permitted to tackle Masopha himself.[45]

Exhorted by Lagden, Lerotholi called up his followers and assembled them at Thaba Bosigo near Masopha's kraal.[46] Many messengers passed between the two but all to no avail.[47] Meanwhile, Masopha gathered his forces and retired to a stronghold overlooking his village adjacent to the Putyatsana river.[48] As Jonathan and several other chiefs appeared to be ready to support Masopha[49], so Lerotholi summoned his full strength.[50] Lagden then reassured the Paramount of the Administration's full backing.[51] Realising Lerotholi's determination, Masopha surrendered Maboka but added that was all he was prepared to do.[52] By 30 December Maboka was secure in the Maseru jail.[53] However, Lagden refused to accept Lerotholi's plea that the jail and residency be firmly guarded.[54] Sensing that Masopha was likely to submit, or perhaps realising Lerotholi's insistence on obtaining

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44 This is apparent from BAR, 1897-8, pp. 6-7; and, Lagden's diaries for December 1897 and January 1898.

45 Lagden Papers (Wits), D 1, Basutoland, Lagden to Milner, 19 December 1897.

46 BAR, 1897-8, p. 6. Also, Lagden Diary, 1897, 23 and 29 December.

47 See Lagden's diaries for December 1897 and January 1898.

48 BAR, 1897-8, pp. 6-7.

49 Lagden Diary, 1897, 28 December.

50 BAR, 1897-8, pp. 6-7.

51 Ibid., p. 7.

52 Ibid., pp. 6-7; and, Lagden Diary 1897, 31 December.

53 Ibid.

54 Ibid.

Moiketsi, Jonathan abandoned Masopha and returned to Leribe.[55]

On 3 January 1898, Lerotholi marched his forces through Thaba Bosigo.[56] On 7 January they occupied Masopha's deserted village and advanced on his stronghold, whereupon they were fired on and a "general action" ensued.[57] Lerotholi lost three men killed with five wounded.[58] Lagden then provided Lerotholi's forces with extra ammunition and encouraged him to surround Masopha and cut his supplies, water and retreat.[59] The Cape Times[60] believed the situation to be an "anxious one" and thought Basutoland to be on the "eve of enforced military intervention". Further, it reckoned that "sentiment" in Basutoland lay with Masopha and not Lerotholi.

Swollen rivers impeded progress but several skirmishes took place.[61] Although Lerotholi lost more men than Masopha (thirty-one to twenty-four), the latter realised that he was doomed and on 17 January surrendered Moiketsi.[62] By 29 January, Lagden, in the presence of Griffith, an Assistant Commissioner, acknowledged that Lerotholi had completely destroyed Thaba Bosigo and had caused the evacuation of the stronghold and had effected an unconditional surrender.[63]

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55 BAR, 1897-8, p. 7. Note Lagden Diary, 1897, 30 December: "Jonathan runs with the hare and hunts with the hounds".

56 Lagden Diary, 1898, 3 January.

57 BAR, 1897-8, p. 7.

58 Ibid.

59 Ibid.

60 Cape Times, 11 January 1898.

61 BAR, 1897-8, p. 7; and, Lagden Diary 1898, 17 and 24 January.

62 CO 417/248/1213, Milner to Chamberlain, 18 January 1898.

63 Lagden Diary, 1898, 26, 29 and 30 January.

Lagden decided to pass judgement immediately. First, he conferred with the Council of Chiefs[64], then he dealt with the Moiketsi affair.[65] He informed the chiefs that it had been a struggle of "right against wrong" and that the rule of law had to be supreme.[66] He alleged that had Masopha and a "few misguided chiefs" not been "willfully obstinate", the matter would have been settled within a few hours. Lerotholi had been unable to overcome Masopha's obstinacy and he had no alternative but to use force. He regretted that so much "unnecessary blood" was shed and so much destruction had been done to villages and property, but Masopha had brought it on himself, and, "those of his people who had suffered, must thank themselves for blindly following a bad course". They were reminded that "the authority of the Queen must be supreme" and that the "Queen's officers ... be listened to". He reprimanded them that the:

> affairs of the country [had] been thrown back, ... fields ... neglected, some not ploughed, some ... full of weeds and the Hut tax ... stopped and in arrears.

He repeated his warning to be wary of young chiefs who did "not know the meaning of war, nor realise the blessings [the] country enjoyed". He concluded by emphasising that had Lerotholi failed to lead and convince the Basotho that the authority of the Government and the law had to be upheld, Her Majesty's Government would have been prepared "to take prompt and forcible steps to assert that authority".

The following day, after conferring in Council with the Paramount, Lagden dealt with Moiketsi.[67] He was sentenced to fourteen months

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[64] Ibid., 31 January.

[65] Ibid., 1 February.

[66] Lagden Diary, 1898, `Pitso notes', 31 January, loose pages.

[67] CO 417/248/4373, `Pitso', 31 January 1898.

jail whilst Masopha was forbidden to reoccupy his village at Thaba Bosigo. He also forfeited his chieftainship of the Berea district which had originally been awarded to him by the Cape Government. This meant that he no longer controlled the people of Ramanella and Leshoboro. In addition, the gardens and reed bed on the Thaba Bosigo side of Berea were to be returned to Theko. The rights of Peete (son of Ramanella) and Leshoboro were affirmed. Finally, Masopha and his people were to pay a fine of 200 cattle. One hundred were to go to the widows of Lerotholi's men who had been killed whilst upholding the law. The remainder were used to meet the expenses incurred by Lerotholi and the Government during the campaign. Lagden did not let the occasion pass without commenting on those chiefs, namely Jonathan, Bereng and Maama, who either "badly advised" in the first instance, or failed to assist Lerotholi in upholding the law, and thus contributed to the bloodshed.

The nett result of this judgement was that Lerotholi emerged as the clear and unchallenged leader of the Basotho. Perhaps more significant, following the plea of the Reverend Dyke and the French missionaries[68], Masopha was firmly punished but not made into a martyr around whom opposition and discontent could focus. Generously, Masopha was excused from attending judgement because of old age.[69] More important, he was not required to serve a jail sentence or to be sent away for a period of exile. On the question of Lagden exiling Masopha, Professor John Benyon has commented:

> My own belief is that Lagden would have had the power to send Masopha into exile, provided a) that Milner backed him, b) that the Secretary of State did not veto it, and c) provided the place of exile could be arranged according to the constitutional consent of the country/colony acting as custodian. I base this opinion on the wording of the Basutoland Order in Council of 1884: AP Newton (ed),

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[68] Milner Papers, FK 1095, pp. 22-7, Enclosure, Dyke to Lagden, 24 January 1898.

[69] Lagden Diary, 1898, `Pitso notes', 31 January.

Documents on the unification of South Africa, Vol 1, pp. 92-4. The relevant section reads:

'So soon as part II of this Order takes effect Basutoland shall again come under the direct authority of Her Majesty, and the person for the time being exercising the functions of Her Majesty's High Commissioner for South Africa ... shall have and may exercise, in the name and on behalf of Her Majesty, all legislative and executive authority in and over the territory of Basutoland and the High Commissioner is hereby empowered and required, in the name and on behalf of Her Majesty, to make by proclamation such laws as may to him appear necessary for the peace, order, and good government of the said territory...'

This quoted section of the Order strikes me as unequivocal. The territory is to be ruled by the royal prerogative and, in effect, that power is transferred to the High Commissioner (and he presumably has powers of delegation to Lagden, though such a major measure as exiling a son of Moshoeshoe would have had to be endorsed by HC (Milner)).

Lord Durham's use of Ordinance to exile the Papineau rebels is a different case. The illegality there ... was because Durham did not first check up whether he had authority in Bermuda. Thus, while he probably could, legally, exile the rebels from Canada, he could not legally force Bermuda to receive them. This could easily have been put right by the British Government, but this relatively small legal slip by Durham was enough for his enemies, who happened to include the leading Whig lawyer, Brougham who was also a member of the government. Thus, the Whig Government left Durham in the lurch because they were having second thoughts about him ruling Canada - and they chose the Bermuda Ordinance to curb his pretensions.

> Politically speaking, Milner's position in 1898 was different: he was still riding high on British Government esteem - so they would have backed him up in what would, in this case, have been perfectly legal action in passing by prerogative a proclamation of banishment (provided that the custodian government - eg the Cape providing Robben Island - had given prior consent.[70]

Apart from political considerations which were paramount, Lagden (and Clarke) retained a very strong personal respect and admiration for the aged chief.[71] Lerotholi could hardly have relished handing over his uncle for punishment. Good sense had prevailed and Masopha was permitted to remain in the Berea district until his death in July 1899 when he died a broken and powerless leader.[72]

Both Lagden and Lerotholi emerge with credit. Lagden because he refused to bow to Milner's demands for immediate action and (because of) his persistent and firm requests to Lerotholi to put pressure on Masopha. Lerotholi appears to have been aware of his responsibilities to both Lagden and the Basotho. When he realised that negotiations had failed, he moved with determination and caution to enforce his decisions on Masopha.[73] Significantly, he kept Lagden fully briefed on all developments and consulted him about meeting all of the Resident Commissioner's "requests".[74] In the end, Lagden confirmed his

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70 Personal Communication, 8 March 1988.

71 Lagden, The Basutos, p. 597. Masopha was the "ideal chief ... a great warrior and sturdy champion for independence". For Clarke's view, Lagden Papers (Wits), E, Zululand, Clarke to Lagden 29 July 1899, "He [Masopha] was a personality and after all the trouble he gave us, I preserve a regard for the old man which you understand and probably share".

72 BAR, 1898-9, p. 4, Masopha "soon lost the prestige which tradition had associated with his name, and sank into oblivion as a political factor".

73 This is evident from Lagden's Diary, 1898, 3 to 28 January.

74 Ibid.

complete satisfaction with his actions.[75]

Lagden's caution saved the Imperial Government from an embarrassing situation. A military campaign against the Basotho was not relished by either the Colonial or War Offices.[76] However, the Colonial Office did suspect that Milner's demands had forced Lagden to apply greater pressure than was his wont.[77] Whilst Lagden probably exaggerated the likely consequence of the introduction of Imperial troops into Basutoland in that it would unite the entire nation and lead to a "black versus white" situation[78], there can be no doubt that it would have undermined Lerotholi's authority over the Basotho and caused many chiefs to side with Masopha. Also, such a warning was probably calculated to strike a receptive chord within the Colonial Office.[79] As Graham noted, "patience" had got the Imperial Government out of several crises in Basutoland already and would probably do so again.[80]

Milner's attitude to the crisis requires close treatment. He first learned of it in a despatch dated 5 December 1897[81] which he acknowledged on 13 December, noting "the anxious time ... [and] exceptional difficulty" being experienced. He stressed that it was

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75 CO 417/248/3343, Enclosure, Lagden to Milner, 19 January 1898.

76 CO 417/248/627, Pretyman to Graham, 13 January 1898; Note by J Chamberlain, 14 January 1898; and, Note by Sir E Wood, 13 January 1898.

77 CO 417/248/4373, Pretyman to Graham, 22 March 1898.

78 Lagden Papers (Wits), D 1, Basutoland, Lagden to Milner, 17 December 1897.

79 CO 417/248/4373, Note by Wingfield, 22 March 1898.

80 CO 417/225/580, `Masupha' [sic], Undated comment by Graham, 8 January 1898.

81 Ibid., Enclosure, Lagden to Milner, 5 December 1897.

"absolutely imperative [on] him to be ready" to recommend the use of troops.[82] Careful preparation would probably mean the difference between a "mere demonstration and a long war".[83] The Cape Times pointed out that the crisis was giving Milner a "taste of the knotty problems that beset a South African High Commissioner".[84] As a civil war between Lerotholi and Masopha could not be tolerated, Captain Davies, a military intelligence officer was being sent to Maseru.[85]

This despatch was soon followed, on 16 December by another in which Milner stated that the Basotho were more important to the Imperial Government than the Free State but that Moiketsi had to be handed over to Lagden.[86] Refusal would be regarded as rebellion and could mean the handing over of Basutoland to the Cape or the Free State.[87] Both were equally obnoxious to the Basotho. Lagden was instructed, if necessary, to issue an ultimatum to Lerotholi and prepare for military action.[88] Lagden did not pursue such a confrontational line.[89]

Also, on 16 December, a confidential telegram inquired of "the attitude of the nation" and the probable extent of support for Masopha "before I [Milner] let the Imperial Government in for a war".[90] Lagden

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82 Milner Papers, FK 1145, pp. 978-86, Milner to Lagden, 13 December 1897.

83 Ibid.

84 Cape Times, 11 January 1898.

85 Milner Papers, FK 1145, pp. 978-86, Milner to Lagden, 16 December 1897.

86 Ibid., pp. 972-7, Milner to Lagden, 16 December 1897.

87 Ibid.

88 Ibid.

89 CO 417/248/2041, Enclosure, Lagden to Milner, 3 January 1898.

90 CO 417/225/580, Milner to Lagden, 16 December 1897, confidential telegram.

immediately replied that "foreign troops would lead to [a] consolidation of tribes".[91] Following this, Milner admitted to Chamberlain that it would be disastrous to send a force as it would lead to a conflict with the Basotho generally, but it would be more disastrous to allow Masopha to defy the law. It would only lead to greater trouble.[92] This obviously perplexed Chamberlain who wanted Imperial troops, if sent to Basutoland, to be closely associated with Lerotholi.[93] This view had already been voiced in the Colonial Office.[94]

By his persistent and firm approach to Lerotholi, Lagden was able, as the man on the spot, to maintain the initiative. His resolution succeeded and Milner found himself unable to make the necessary moves. In a despatch, dated 6 January 1898, he criticised Lagden's "hatefulness of having to coerce the Basuto ... [and] play the game of the OFS".[95] He professed, rather unconvincingly, that it was as "distasteful to me as as it is to you". Then he spelt out the alternative of deploying troops. To Milner this was simple. The Imperial Government should "come out of Basutoland altogether ... we cannot compromise ... we must have a free hand".[96] Milner was blatantly ignoring the fact that Imperial policy in Basutoland since 1884 had been based entirely on compromise.[97] Significantly, the Cape Times maintained that Milner was right "in deciding to enforce the decision ... [and it would have been] a wholesome tonic to the native

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91 Ibid., Lagden to Milner, 17 December 1897.

92 Ibid., Milner to Chamberlain, 22 December 1897.

93 CO 417/248/627, Note by Chamberlain, 14 January 1898.

94 Ibid., Pretyman to Graham, 13 January 1898.

95 Milner Papers, FK 1145, pp. 988-95, Milner to Lagden, 6 January 1898.

96 Ibid.

97 CO 417/225/580, Just to Graham, 8 January 1898, "our power all along [has] been that of moral force".

mind". On 1 February, when Milner was aware that the crisis was over, he wrote to Chamberlain about plans to form the nucleus of a transport service with a "capacity for prompt action".[98] At the Colonial Office Pretyman regarded Lagden as the main reason for the successful conclusion of the affair.[99] He informed Graham that it had been "touch and go whether we got a big war" but that the Imperial Government had been saved by Lagden's "discretion in temporing [sic] the fiery breath of the High Commissioner to the Basuto [that] had probably a good deal to do with saving the situation". Selborne was equally blunt.[100] He admitted to Milner that "what under the Cape/BSAC [sic] would have been war", has been avoided. He concluded that "Lagden must be a remarkable fellow". Indeed, the successful handling of the Moiketsi affair led Just to suggest that Lagden be confirmed as Resident Commissioner at a salary of £1 500 per annum.[101] Consequently, on 2 April 1898, Lagden was officially proclaimed as Resident Commissioner.[102]

Milner Visits Basutoland.

Coinciding with the Moiketsi affair was the surfacing of major grievances in Mohale's Hoek by the Baphuti chief, Mocheko, who found his authority and prestige being undermined by the young Griffith Lerotholi, son of the Paramount, who had been informally `placed' in

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98 Cape Times, 19 January 1898; Headlam, Milner Papers, 1, pp. 175-7, Milner to Chamberlain, 1 February 1898.

99 CO 417/248/2041, Pretyman to Graham, 29 January 1898.

100 Headlam, Milner Papers, 1, pp. 158-9, Selborne to Milner, 21 January 1898.

101 CO 417/248/4110, Just to Graham, 25 February 1898.

102 High Commission Notices, 6 of 1898. G Fiddes, 2 April 1898; Lagden Papers, Afr Ms S, 2091/1, Chamberlain to Lagden, 2 April 1898.

the district.[103] Griffith had survived the rinderpest better than most and determined to entrench his position at the expense of Mocheko.[104] 'Placing' was accepted by both Clarke and Lagden as a legitimate means whereby the Paramount could extend his authority over outlying areas. However, it was opposed by the minority clans as well as S Barrett, the assistant commissioner for Quthing.[105] He maintained that the sons 'placed' were usually "unruly young blackguards" and 'placing' them only meant 'displacing better men and causing discontent". Barrett personally disliked Griffith whom he regarded as a "disorderly young cub who has done nothing to earn recognition".[106] He believed that Lerotholi wanted to get rid of Mocheko and appoint Griffith over the Baphuti so that they would have to listen to the Paramount. Further, he claimed that:

> the Baphuti are very discontented with the present state of things. The Basuto [were] crowding them out of all the best part of the country and treating them with scant ceremony generally. [Further] the Cape loyals were afraid of exhibiting too much ostentatious loyalty.[107]

Barrett argued that he had pointed all this out to Lagden "until I am sick", but unfortunately, he was "so much under Lerotholi's influence that he seemed unable to refuse anything urgently pressed from that quarter". He concluded that he did not see any necessity for recognising Griffith as chief as it only meant "extinguishing" the rights of the Baphuti chiefs.[108]

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103 BAR, 1897-8, p. 35.

104 Ibid.

105 Stanford Papers, B 12.7, Barrett to Stanford, 3 November 1897.

106 Ibid., B 12.8, Barrett to Stanford, 14 December 1897.

107 Ibid., B 12.7, Barrett to Stanford, 3 November 1897.

108 Ibid.

The actual incident which precipitated the crisis was the straying of an ox, belonging to one of Griffith's followers, into Mocheko's ward. The beast was slaughtered with Mocheko's permission, causing the legitimate owner of the animal to complain to the Paramount Chief.[109] Lerotholi referred the matter to Griffith who summoned Mocheko to appear before him. Not unexpectedly, the summons was ignored. An exasperated Griffith raided Mocheko's village and caused the Baphuti chief to flee to Herschel in the Cape[110] whilst Griffith proceeded to pillage Mocheko's village.

The flight of Mocheko to Herschel enabled a frontier trader, Birch[111], who had clashed with Basutoland officials on several occasions, to persuade the inexperienced and newly appointed magistrate there to cable Cape Town for the immediate despatch of troops to intervene in Basutoland. Relying on the information of W Mansell of the BMP, Lagden attempted to assure Milner that the incident had been wildly exaggerated.[112] At the same time, Mansell hurriedly left for Herschel to escort the reluctant Mocheko back to Maseru to be interviewed by Lagden. He soon realised that Griffith had overstepped the mark.[113] Griffith was ordered to return the stolen property.[114]

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109 BAR, 1897-8, p. 35.

110 Milner Papers, FK 1095, pp. 12-15, Lagden to Milner, 22 January 1898.

111 Ibid., pp. 16-19, Mansell to Lagden, 22 January 1898.

112 Ibid., pp. 14-15, Lagden to Milner, 22 January 1898.

113 Lagden Diary, 1898, 20 January.

114 BAR, 1897-8, p. 36.

Late in February, Mocheko informed Lagden that he feared for his life.[115] Even though Mocheko was able to show that the stolen property had not been restored by Griffith, Bowker, the assistant commissioner at Mohale's Hoek noted that the claim was "without foundation" and that Mocheko had a "very poor defence" and his problems were due to his "weak and vacillating policy".[116] Lagden omitted to explain his reasoning but Lerotholi had to reiterate his previous instructions to Griffith to return all the stolen property. However, it was apparent that Griffith was now regarded by the Administration as the predominant chief in the district. This was revealed by Bowker who noted that he had closely "associated" himself with Griffith, and not Mocheko, in the collection of the hut tax. This was why the returns had been so satisfactory despite rinderpest and drought.[117]

Further complaints by Mocheko against Griffith were dismissed by Lagden as being of "little or no importance".[118] Finally, in May 1899, Lagden and Lerotholi decided to formally `place' Griffith as the "caretaker" over the Baphuti and Boposhodi wards in Mohale's Hoek. Attempts by Mocheko to disrupt the pitso by ordering his following to rise (stand up) were prevented by the personal intervention of an infuriated Lagden.[119] The pitso decided that Bowker and representatives of the Paramount would properly define Griffith's area.[120] Close relations with Griffith were to ensure that the Administration had a powerful and effective ally in south Basutoland after the outbreak of war in 1899.

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115 Ibid. This is confirmed by Barrett, Stanford Papers, B 12.9, Barrett to Stanford, 19 December 1897.

116 BAR, 1897-8, p. 36.

117 Ibid., p. 39.

118 BAR, 1898-9, p. 40.

119 Ibid., p. 41.

120 Ibid.; and, CO 417/270/15502, Enclosure, Lagden to Milner, 10 May 1899. Griffith was to receive an allowance of £100 per annum.

Lagden's role in the dispute was consistent with the policy adopted in 1884 to give full support to the Paramount. The incident probably attained great importance because of the duplicitous role of Barrett. As his correspondence with Stanford clearly revealed, Barrett still favoured the pre-1884 Cape policy in Basutoland, i.e., to support clans outside the ruling Koena dynasty. Further, as the south, and particularly Quthing had been a 'loyal' area during the Gun War, Barrett had personal reasons for opposing Lagden, Lerotholi and Griffith. Lagden's policy may not have suited Barrett and Mocheko but it was entirely consistent with stated Administration policy. Non-Koena, no doubt, did not approve of this, but both Clarke and Lagden believed the Koena dynasty, and especially the Paramount, were of far greater consequence than any other group. Within the realms of realpolitik, this was a logical and sensible policy to pursue.

Immediately after the Moiketsi affair had been settled, Milner drafted an important despatch to Lagden.[121] First, he congratulated Lagden on "having got through [the] nasty business so successfully", and attempted to patch-up their differences by assuring him that he had "not failed to express to [Chamberlain] my sense of credit which is due to you in the matter". Secondly, he was anxious to determine a future policy for Basutoland when practicable. He argued for the need to look ahead before falling over that "precipice which we have just escaped". Hence, he desired to travel up to Maseru as soon as conditions had settled and work in the fields was up-to-date. Milner agreed to travel to Basutoland in April 1898.

Milner was escorted by Sloley, the Secretary, and Boxwell, an assistant commissioner, from the Caledon River to the outskirts of Maseru where he was met by Lagden and Lerotholi.[122] Behind them was a mass of

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121 Milner Papers, FK 1099, pp. 891-2, Milner to Lagden, 2 February 1898.

122 Lagden Diary, 1898, 6 April; and, BAR, 1897-8, p. 9.

20 000 Basotho who unwittingly annoyed Milner by failing to take off their hats in his presence.[123] In his welcoming speech, Lerotholi interpreted Milner's arrival as a "sign of the Great White Queen's continued care"[124] for the Basotho. The following day witnessed a "most enthusiastic" and "very business-like" pitso.[125] The large crowd was "the most wonderful sight [that Milner] had ever seen, its orderliness reflecting the greatest credit upon the European administration of the past fourteen years".[126] However, all did not run smoothly. Masopha decided to use the occasion to demand that his father's inheritance be restored to him.[127] Milner objected to this, and in the words of Lagden, Masopha's "rambling was [soon] shut up".[128] Jonathan was more diplomatic and thanked God for the Queen's protection but voiced his grievance about requiring passes for travel to the Orange Free State.[129]

To Lagden's surprise, Milner chose to address the pitso immediately after the welcome speeches and before lunch.[130] The High Commissioner adopted a very aggressive and brusque approach. His tone was remarkably like that in his speech to Bondsmen at Graaff Reinet in March 1898.[131] Milner said that he interpreted Masopha's presence to be a

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123 Headlam, Milner Papers, 1, p. 161, 'Milner Diary'; and, Lagden Diary, 1898, 6 April.

124 Headlam, Milner Papers, 1, p. 161, 'Pitso notes'.

125 Lagden Diary, 1898, 7 April.

126 Headlam, Milner Papers, 1, p. 161, 'Milner Diary'.

127 Ibid.

128 Lagden Diary, 1898, 7 April.

129 Headlam, Milner Papers, 1, p. 162, 'Pitso Report'.

130 Lagden Diary, 1898, 7 April.

131 Headlam, Milner Papers, 1, pp. 241-3, 'The Graaff Reinet Speech'; and, TRH Davenport, The Afrikaner Bond, pp. 179-83.

sign of his submission to the Queen's representative[132] and informed the large crowd that "prompt obedience" would have obviated many of the disasters which had recently befallen the Basotho. He did not consider the Queen's rule to be hard, the taxes were light and entirely spent within the country. He concluded by warning that if the Basotho "trifled with the Queen's commands, they would soon lose the freedom and happiness which for thirty years they had enjoyed under Her Government".

On 8 April, Milner met the leading chiefs in private.[133] He had very harsh and strong words for Jonathan because of his failure to support Lerotholi.[134] He ordered him, quite unconstitutionally, to pay a fine to Lerotholi and to keep a close watch on Masopha and "prevent him doing anything foolish". Lerotholi was duly thanked for his cooperation and assistance and was presented with a rifle as token of appreciation.[135] The following day, whilst receiving a delegation from the Maseru Chamber of Commerce, Milner maintained policy by refusing a request that white traders receive the title deeds for their property and that they might sue the Basotho for debt.[136] However, in Lagden's opinion, Milner made a gross blunder by agreeing to pay compensation in the event of losses caused by disturbances.[137] Following this, Milner made a brief trip to Leribe and a short

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132 Headlam, Milner Papers, 1, p. 161, `Pitso Report'.

133 Lagden Diary, 1898, 8 April.

134 Headlam, Milner Papers, 1, p. 163, `Milner Diary'. Legally, Milner should have tried Jonathan in a joint sitting with Lerotholi and his councillors. Unless requested by the Paramount, no British official could try a Mosotho.

135 Lagden Diary, 1898, 8 April.

136 Headlam, Milner Papers, p. 163, `Milner Diary'; and, CO 417/248/13125, Enclosure, `Deputation of Chamber of Commerce', 9 April 1898.

137 Lagden Diary, 1898, 9 April.

excursion into the mountains to view the scenic Maletsuyane Falls before departing for Cape Town.[138]

Milner's trip to Basutoland produced two very interesting letters. To Mrs Horner[139], he wrote that "Basutoland [was] a real native Reserve where the Europeans hardly comes except in the harmless shape of a High Commissioner or other official, and Nature is still beautiful and the aborigines still picturesque". However, he confided that "colonial civilizers [were] anxious to make an end of it". To Bertha Synge[140], he wrote that Basutoland was "the most wonderfully picturesque and unique place" where he felt like a "medieval king visiting the country of some semi-independent vassal". The whole situation was "positively medieval in character" with the chiefs, the feuds, their absolute dominion over other classes and the tussles between the King (Paramount) and his barons (sub-chiefs)". Whilst one must agree that there was a touch of all this present, Milner's conception of Basutoland was highly romantic and firmly fixed in his assumption of white racial superiority. He perceived the Basotho as having reached the medieval stage of their development. This placed them a thousand years behind the Europeans.

There was far more to Milner's trip than was immediately apparent. The situation was shrewdly appraised by HW Just[141] of the Colonial Office. He made two very pertinent observations with which Lagden would have whole-heartedly agreed: "It seems to me", wrote Just, "that Sir A. Milner is perhaps a little anxious to attain finality in the Basuto question and chafes at the insolubility of the problem". He continued that the problem was how to establish the Government of the Basotho upon an "absolutely secure basis without having to leave a good deal to

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138 Ibid., 10 to 16 April.

139 Milner Papers, FK 1101, pp. 1128-30, Milner to Mrs Horner, 15 April 1898.

140 Ibid., p. 1156, Milner to Miss Bertha Synge, 20 April 1898.

141 CO 417/248/13125, Note by Just, 31 July 1898.

risk and chance". Just maintained that the Government was, and must remain, "a makeshift Government" that survived on a "hand to mouth" basis. He saw the only hope of "preserving the race as a whole" was to lead it along the "path of progress and civilisation" so as to enable it to "develop the resources ... by industrial and agricultural pursuits". Wingfield[142] was more precise. He reasoned that "freedom from Cape interference [was] desired if the Basuto [were] to maintain their freedom".

Four major policy changes were regarded as desirable.[143] First, it was considered highly desirable to increase the size of the police force. The main reasoning behind this was that Milner desired more direct force within Basutoland. A battalion of white soldiers was rejected on the grounds of Basotho hostility as well as economy. At this stage there were forty-six Europeans and 220 Basotho in the BMP. Even if there was an addition of two or three hundred, Just did not believe that the residences could be held against Basotho attacks. However, the additional manpower would be very useful in a "state of war".[144]

Secondly, there was the desire to subsidize education to a greater extent.[145] The thinking behind this was was that missionaries were performing a most useful function not only in bringing education and Christianity to the Basotho but were also inculcating desirable attitudes as regards labour and the adoption of western habits.[146]

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142 Ibid., Note by Wingfield, 31 October 1898.

143 Ibid., Pretyman to Chamberlain, 13 June 1898.

144 Ibid., Note by Just, 31 July 1898.

145 Ibid., Pretyman to Chamberlain, 13 June 1898.

146 BAR, 1895-6, p. 9. Lagden had noted: "The advantages of labour and industry, a respect for law and order and domestic discipline, are, I believe, prominent features in all religious teaching".

More specifically, it was over educational spending that the Cape was interfering in Basutoland estimates.[147] However, Selborne for one, objected to wholesale subsidization of education. He noted: "One caveat - let the education be strictly elementary and technical. We want no more East Indian or West Indian Baboos".[148]

Both the increasing of the police and raising of subsidies would be financed by Milner's intention to double the hut tax. Since 1884 it had remained at 10s. per annum.[149] Most colonial officials believed that the Basotho could and should pay more.[150] Whilst motivation may have varied, the desire to rid Basutoland of Cape interference was paramount. As noted in the previous chapter, this had become a major issue in 1896. The decision to double the tax was made by Milner but he was strongly supported on this by Lagden.[151] Apart from the obvious doubling of revenue and removal of the Cape subsidy (and interference), Milner urged Lagden to stress to the chiefs that there would be more funds to spend on the development of agriculture and industry, greater payment for chiefs and the removal of Cape interference.[152]

Pretyman voiced widespread Imperial opinion when he observed that the Basotho were "very rich and well able to pay more taxes than they do".[153] Basutoland was a "black oasis" and its present state should

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147 CO 417/248/13125, Note by Just, 31 July 1898.

148 Ibid., Note by Selborne, 1 November 1898.

149 During Cape rule of Basutoland, the hut tax had been raised to £1 per annum, but in 1884 it was reduced to 10s.

150 CO 417/248/13125, Pretyman to Chamberlain, 13 June 1898.

151 Lagden detested the interference of the Cape in Basutoland estimates.

152 Milner Papers, FK 1146, pp. 1036-44, Milner to Lagden, 2 October 1898.

153 CO 417/248/13125, Pretyman to Chamberlain, 13 June 1898.

be "indefinitely prolonged" before being settled by white farmers. He hoped that the transition would be carried out "gradually and peacefully" but he "feared ... that [was] not likely to be so". Whilst Just[154] wondered how the extra revenue (anticipated to be between £15 000 and £20 000) would be spent, apart from afforestation and horse breeding, Graham was under no illusions.[155] He correctly believed the country to be in a "wretched condition" in the matter of communications and public works. Wingfield had the final say.[156] He reckoned on the tax proposals being "conclusive" and that "freedom from Cape interference" was essential if the Basotho were to maintain their freedom.

The fourth item of discussion evolved around effecting a reconciliation between Lerotholi and Jonathan. Friendly cooperation between the two major chiefs was essential for peaceful relations within the Basotho nation. Friction could produce a myriad of minor conflicts and disputes. Naturally, both Lagden and Milner were keen to bring the two together. In early July, Lagden felt the time opportune to bring the two chiefs together. Jonathan had refused to support the `placing' of Griffith whilst Lerotholi was refusing to help `place' Tau, Jonathan's son.[157] At least Lagden hoped to clear-up the "many misunderstandings" between the two. He was able to get them to "open their hearts to each other" and eventually they were able to "hob-nob".[158] An immediate result was that they arranged to organise a joint collection of the hut tax in the Berea where Masopha had, yet

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154 Ibid., Note by Just, 31 July 1898.

155 Ibid., Note by Graham, 20 October 1898.

156 Ibid., Note by Wingfield, 31 October 1898.

157 Milner Papers, FK 1096, pp. 348-51, Lagden to Milner, 29 June 1898; Lagden Diary, 1898, 5 and 6 July; and, BAR, 1898-9, p. 17.

158 Milner Papers, FK 1097, pp. 378-81, Lagden to Milner, 17 July 1898; and, Lagden Diary, 1898, 6 July.

again, neglected his duties.[159] Milner believed that Lagden had succeeded in reconciling the "apparently irreconcilable"[160] by maintaining Lerotholi's paramountcy but, at the same time, not allowing Jonathan to feel oppressed. What probably produced the desired conciliation was Lagden's proposal that a circular note be distributed amongst all the chiefs of Leribe that "Jonathan was the eye of Lerotholi".[161]

For Milner to persuade the Basotho to accept the increased tax, it was essential that both Lerotholi and Jonathan, and if possible, Masopha should publicly approve it.[162] This was easier said than done. As even Milner was aware, a section of the Basotho was impoverished.[163] Further, Lagden believed that Boer intrigues were at work on Lerotholi.[164] Indeed, as Lagden was well aware, the Paramount's heavy drinking had resulted in "Brandy [being] Chief".[165]

The crucial question was when to announce the tax increase. Both realised that timing was of the utmost importance.[166] It soon became apparent that the influence of climate, the failure of the winter rains necessary for a successful wheat crop, the major cash crop, was

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159 BAR, 1898-9, p. 24; and, Milner Papers, FK 1097, pp. 394-6, Lagden to Milner, 25 July 1898.

160 Headlam, Milner Papers, 1, p. 174, Milner to Lagden, 11 July 1898.

161 Milner Papers, FK 1097, p. 378, Lagden to Milner, 17 July 1898.

162 Ibid.

163 Milner Papers, FK 1146, pp. 1036-44, Milner to Lagden, 2 October 1898.

164 Milner Papers, FK 1093, p. 348, Lagden to Milner, 29 June 1898.

165 Ibid., p. 350.

166 Milner Papers, FK 1097, p. 381, Lagden to Milner, 17 July 1898.

severely jeopardising the plan.[167] Reluctantly, because Lagden was convinced that Lerotholi had accepted the increase[168], it was decided to announce the doubling of the tax but to postpone, for one year, its implementation.[169] It was hoped that this would give the Basotho time to collect the money but also enable Lerotholi to show his critics that he had been able to postpone the implementation.[170]

The actual announcement was made by Lagden at the National Pitso in October 1898.[171] On balance, the decision to double the tax appears to have been sensible. Cape interference in Basutoland was not desirable. Whatever the shortcomings of Imperial rule, it did at least consider Basotho views seriously. However, what was deplorable was that Milner was given approval by the Colonial Office to stop the Cape contribution to Basutoland revenue when it suited him as Governor of the Cape.[172] Thus, as John Mackenzie had predicted, the High Commissioner would always pay close attention and concern to the requirements of the Cape in preference to the interests of the "protectorate".[173]

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[167] Ibid., p. 452, Lagden to Milner, 14 September 1898.

[168] Ibid., p. 381, Lagden to Milner, 17 July 1898.

[169] Ibid., p. 482, Lagden to Milner, 14 September 1898; and, ibid., p. 1035, Lagden to Milner, 26 September 1898, telegram.

[170] Ibid., p. 482, Lagden to Milner, 26 September 1898.

[171] CO 417/248/27129, 'National Pitso', 27 October 1898.

[172] CO 417/297/21844, Note by Just, 20 July 1900. Also, CO 417/297/21966, Milner to Chamberlain, 8 July 1900; and, CO 417/297/36707, Perry, Acting Imperial Secretary, to Chamberlain, 24 October 1900. It was finally promised to the Cape Government in December 1900.

[173] See Chapter 2.

In October 1898, Lerotholi requested that consideration be given to the creation of a Council to advise him on national matters.[174] The issue had previously been raised by Letsie in 1890 but, as Clarke[175] had later found the idea unacceptable to many chiefs, the matter had been dropped. Lagden was wary of the idea from the outset and believed that the Paramount was probably scheming to provide his sons and supporters with additional power and wealth whilst excluding his opponents.[176] He was convinced that the majority of chiefs would find the proposals unacceptable. It would, therefore, be "inexpedient" to force the issue.

In the discussions and debate that ensued, it was realised by the Colonial Office that Lerotholi desired a small council comprising his own followers whilst the majority of chiefs favoured a large council which would be able to keep a check on Lerotholi and his family.[177] The latter scheme would obviously diminish the power of the Paramount. As Lagden's task was to preserve the delicate balance between the Paramount on the one hand, and the leading chiefs on the other, he rejected both proposals. With the 1897 escapade of Lerotholi's sons still fresh in his mind, he advised that the result of creating Lerotholi's council would be the Government paying "hangers on" and giving their "roguish missions ... the stamp of authority".[178]

On 10 January 1899, with Lagden's approval, Lerotholi called the leading chiefs to Thaba Bosigo to an "organised political pitso" where

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174 CO 417/248/27858, `National Consultative Council', Lagden to Acting High Commissioner, 12 November 1898.

175 Ibid., Note by Just, 23 January 1899.

176 CO 417/248/25702, General Cox, Acting High Commissioner, to Chamberlain, 15 November 1898. Also, CO 417/248/27127, Lagden to Cox, 9 November 1898.

177 CO 417/248/27858, Note by Just, 23 January 1899.

178 Ibid., Lagden to Cox, 12 November 1898.

they could discuss grievances in a "wholesome way".[179] Following this, Lerotholi and other representatives laid their grievances before Lagden in a "sensible" manner and requested him to frame a petition to the High Commissioner.[180] Apart from raising the National Council idea again, most of the grievances centered on Basotho complaints about their treatment in the Orange Free State and reflected the deteriorating relations between that state and the Imperial Government. A third complaint concerned the high price they had to pay for grain during times of hunger.[181] This was a periodic complaint and should not be dismissed by the assertion, as did Lagden, that the Basotho did not understand the basic laws of economics.[182] Rather, it should be interpreted as the growing dependence of the Basotho on mercantile capital and their worsening terms of trade.

Milner responded to the petition in April 1899.[183] He advocated the creation of a council because he correctly believed the annual pitso to be "too large and unwieldy an assembly for discussion" and was only useful for making announcements and gauging popular feeling. He believed it to be "incapable of serious debate" and of formulating resolutions of value. Whilst he felt a smaller but representative council would have some inconveniences, it would provide "more or less definite expressions of opinion" and would be invaluable as a check upon the "arbitrariness of a few leading Chiefs".

However, to achieve this, it would have to be properly constituted, meet on a regular basis, probably once or twice a year and the

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179 Lagden Diary, 1899, 10 January.

180 Ibid., 13 January.

181 BAR, 1898-9, pp. 5-6.

182 Ibid., 1892-3, pp. 5-6.

183 Lagden Papers (Wits), D 2, Basutoland, Milner to Lagden, 20 April 1899.

membership be fixed at 100. All members would have to be approved by the Resident Commissioner who would guard against "packing" the Council and the deliberate omission of leading figures. Meetings would have to be arranged through the Resident Commissioner and would be attended by one of his staff to observe and report proceedings. The proposed council would not be granted financial control over Basotho, but Milner envisaged showing and explaining to it the main heads of the previous year's Revenue and Expenditure. Milner believed that comments and criticisms made would be of some use in formulating future policies.

Lagden was instructed to discuss the matter with Lerotholi and allow the annual pitso to discuss the issue.[184] The outbreak of the South African War prevented this. However, it is apparent that Lagden was distinctly unenthusiastic and cool towards the idea of a Council. It might prove especially difficult to manipulate considering the tensions within Basotho society and the Administration's close dependence on the Paramount.

With regard to the Basotho grievances over their treatment in the Free State, Milner advocated a more systematic approach. The frequency of elopements by Basotho women with men resident in the Free State was a problem which he believed the Administration to be "powerless" to halt, except by a more thorough enforcement of pass laws, by increasing the number of frontier guards and "inducing" Free State magistrates to send such people back to Basutoland.[185] He was convinced that much more could be done to recover stolen property. Obviously, friendly cooperation with the Free State officials was a possibility. If this did not suffice, use should be made of the courts where there was strong evidence, whilst this could be costly and a bother, such a

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[184] This did not happen, probably due to Lerotholi's concern with events between Britain and the Boer Republics in August-September 1899.

[185] Lagden Papers (Wits), D 2, Basutoland, Milner to Lagden, 20 April 1899.

procedure would exercise a "wholesome influence" on the Free State residents. The same applied to personal injury and he urged that "no expense should be spared in getting the case properly presented". It would be difficult, he concluded, and probably futile, to resort to diplomatic means until all "legal remedies" had been exhausted. With regard to trading licences, Milner suggested that the assistant commissioners should make application on behalf of new traders in an effort to curtail extortion which traders alleged occurred regularly.

The South African War.

With the rapidly deteriorating diplomatic situation in South Africa in 1899, Lagden and Milner became increasingly concerned over Basutoland's vulnerable telegraphic links with Cape Town. Both Maseru and Mafeteng, the only stations with telegraphic facilities, were connected to the Free State system. During a brief official trip to Cape Town in July, Lagden and Milner agreed on the urgent necessity to construct an alternate link to the Cape via Palmietfontein and Aliwal North.[186] This cost £3 000 and was completed by the end of August. This was immediately followed by the erection of a line from Maseru to Leribe.[187] It is significant that only with war clouds looming, was it considered necessary to spend such sums of money.

Soon after Lagden's return from Cape Town, he received reports from Leribe which greatly alarmed him and continued to influence his thinking through to March 1900 when Roberts's forces occupied Bloemfontein. He was informed that RJ Meiring[188], resident Justice of

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186 CO 417/270/19926, Milner to Chamberlain, 10 July 1899.

187 CO 417/270/24032, Milner to Chamberlain, 22 August 1899.

188 C Eloff, Oranje-Vrystaat en Basoetoland, 1884-1902: 'n Verhoudingstudie, p. 230.

the Peace for Fouriesburg, had come to a "settlement" with Joel. It was alleged that Joel would "wipe out" Jonathan, and then, with a force of 500 Boers, would work his way through Leribe. The object of the plan was to create a diversion which would give the Basotho "something to do" to prevent them from raiding unprotected frontier farms. This information, along with other reports, caused Lagden to become extremely paranoid and short-sighted in assessing the situation.

Workers returning from the Free State reported that they had been informed by farmers that the Boers would soon be the undisputed masters of South Africa.[189] From both Leribe and Teyateyaneng reports were circulating claiming that troops recently despatched from Britain were to coerce the Basotho and that some of them had already arrived in south Basutoland via Herschel.[190] Further reports from a pitso held by Jonathan, alleged that Lerotholi had been urged to repudiate his pledge to implement the new hut tax.[191] Another claimed that Letsie, the Paramount's son, had voiced support for Jonathan on the issue.[192]

Lagden obviously took these rumours very seriously and failed to view them within the context of traditional Basotho politics, in general, and Joel's dispute with Jonathan, in particular. He perceived in these reports one basic cause - Boer propaganda which he ardently believed to be directed towards "misleading" chiefs, "distorting" the issue, "disparaging" England and "courting favour" with the Basotho through "threats and seductive promises".[193] However, an analysis of the situation on the Free State-Basutoland border suggests that Lagden

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189 Quoted by P Warwick, Black people and the South African War, p. 54.

190 CO 417/270/30588, Lagden to Milner, 4 October 1899.

191 BAR, 1898-9, p. 5.

192 Ibid.; and, Lagden Diary, 1899, 4 August.

193 Lagden, The Basutos, p. 600.

misunderstood the situation. Certain facts seem to have been neglected by Lagden.

First, the frontier was two hundred miles long, was extremely rugged in parts, and without a vast number of guards, would be especially difficult to patrol during times of war. Secondly, the frontier farms were crucially dependent on Basotho workers especially for reaping. Thirdly, as the republics had no standing army, a large number of men was required for commando duty in the war. Fourthly, most farmers had long-standing labour arrangements with local chiefs and would be reluctant to threaten their neighbours.[194] Fifthly, it was generally believed that about 35 000 Basotho possessed firearms, and that at least 30 000 could be deployed. Sixthly, given the nature of Basotho politics with intense clan rivalry, it would have been impossible to anticipate the reaction of those chiefs who were not involved in "arrangements" with the Boers. Finally, up to at least March 1900, and possibly beyond, the Republics held, quite convincingly, the upper hand in the war. Therefore, the question that must be asked is, how would a Basotho uprising assist the Boer war effort? In short, it would not as it would only lead to further complications and crises not desired by the Boer Republics.

Research by Callie Eloff supports this.[195] After discussing the various rumours concerning Free State-Basotho plots, he attempts to determine whether they were a fact or fiction. He concludes that no serious plots were developed because President Steyn was opposed to such a policy. He believed that such plots could easily work against the Free State. In a letter to EM Rautenbach, one of the farmers supposed to be behind the plots, Steyn wrote:

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[194] BAR, 1899-1900, pp. 8-9.

[195] Eloff, Oranje-Vrystaat en Basoetoland, pp. 233-5.

> Ik vertrouw een Kaffer niet en gij moet U dus zoo min mogelijk met hen inlaten ... Wij moeten heel voorzichtig zijn hoe wij handeln met de Basutoes want zij zijn Britsche onderdanen en ek zou niet wil hebben dat men zal kunnen zeggen dat wij de Britsche onderdanen tegen hunnen Regeering opmaken. Ik weet dat de Basutolandsche authoriteiten op de loer zijn of zij onze burghers niet daarin kunnen betrappen.[196]

Nevertheless, those Boers who had links with the frontier areas must have been vitally concerned to maintain friendly relations with their Basotho neighbours so as to retain their labour and maintain their cooperation. Naturally, those chiefs out of favour with the Administration would be more receptive to such overtures than those identified with it. Obviously, Joel, Maama and the sons of Masopha were regarded as being likely to be amenable to the Boer cause.[197] However, widespread reports of Boer kindness to returning Basotho, along with messages of good wishes to Lerotholi both perplexed and irked Lagden.[198]

On the other hand, there were several reasons why the Basotho would remain loyal. The most obvious being their hatred for the Boers who after the 1840's had "stolen" their best lands. Lagden knew that this grievance remained strong with all the prominent chiefs. Also, the support and patronage by the Administration to the Koena lineage of the Basotho had greatly increased their power and wealth. It could only be to their advantage to support Britain in a war which Lagden assured them would be easily won.[199] To be associated with the victorious

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[196] Ibid., quoted by Eloff, p. 234.

[197] Lagden Diary, 1899, 3 October.

[198] CO 417/270/34330, Lagden to Milner, 19 November 1899.

[199] Warwick, Black people, p. 53.

side was particularly important to the Basotho.[200]

To sum up, the Boers were probably, and with good reason, far more concerned with the possibility of Basotho intervention on the British side, than Lagden appreciated. No major clan had obvious grounds for siding with the Boers, but those chiefs who had differences with the Administration were likely to receive overtures. Naturally, they would deem it politic to consider such advances, both courteously and seriously.

After receiving Lagden's report on the Boer "intrigues", the Colonial Office seriously considered the policy to be adopted in Basutoland on the advent of war. Graham decided that the Basotho should be informed that:

> the Queen wishes them to remain within their own borders as this is a white man's affair, but that they may, of course, protect their own property against confiscation by the Boers.[201]

This policy was conveyed to Lerotholi and the leading chiefs at a special meeting in early October[202] and again repeated at the national pitso held later in the month.[203] Lagden was in full agreement with this and went to great lengths to maintain this policy and even claim that it implied a form of benevolent neutrality status for Basutoland.[204]

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200 Lagden, The Basutos, p. 602.

201 CO 417/270/2343, Note by Graham, September 1899; and, BAR, 1899-1900, p. 6.

202 Ibid.; Lagden Diary, 1899, 3 October; and, CO 417/270/30588, Enclosure, 'Meeting held in Council Chamber', 3 October 1899.

203 Lagden Diary, 1899, 24 October; and, CO 417/270/29466, Enclosure, Lagden to Milner, 24 October 1899.

204 This became apparent during the sieges of Wepener and Ladybrand in 1900.

The Basotho strongly opposed this stance, especially Lerotholi, Jonathan and Nqoebe, chiefs identified by Lagden for their loyalty.[205] They argued that they should be permitted to fight the Queen's enemies and that they be allowed to protect the Resident Commissioner and Maseru.[206] In opposing this, Lagden reasoned "it was so easy to set savage forces in motion, so impossible perhaps afterwards to restrain them".[207] Milner agreed and argued that the Basotho were "most use to us [if] they simply alarm the Free State and do not attack it".[208]

A major consideration must have been that despite the progress Britain had achieved in Basutoland since 1884, in administering the territory, she relied almost entirely on the cooperation of Lerotholi and the leading chiefs for her effective powers. Hence, to have actually involved the Basotho in the campaigns would have allowed the initiative to pass into Lerotholi's hands. Further, there would have been unanimous condemnation of such a move in both the Cape and Natal. Basotho involvement would have greatly antagonised white opinion and certainly stiffened the resolve of the Boers.

After his July visit to Cape Town, Lagden was almost certain that war between the Imperial Government and the Republics was inevitable.[209]

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205 CO 417/270/30588, Speech of Lerotholi, 'Meeting held in Council Chamber', 3 October 1899; and, CO 417/270/34330, Lerotholi and Chiefs to Milner, 24 October 1899.

206 Ibid.

207 Lagden, The Basutos, p. 603.

208 Milner Papers, FK 1101, p. 1260, Milner to Selborne, 18 October 1899.

209 Lagden Diary, 1899, 18 September: Milner advised Lagden to be "prepared for all contingencies".

In a letter to Stewart, the Lovedale missionary, he wrote of the "cruel necessity of a war forced upon England"[210] and that it was obvious to those who, like themselves, had been in South Africa for the past twenty years, that "there must sooner or later, be a death struggle between Dutch and English. It came none to soon".

On the eve of the outbreak of hostilities, despite assurances of loyalty by Lerotholi[211], Lagden impatiently waited for the anticipated outbreak of hostilities.[212] He placed much of the blame on the Free State President, Steyn. He recorded that:

> President Steyn's insolence is striking. He has had much to do with the present crisis and is answerable for much of the intolerable Boer attitude and attempt to impair British supremacy.[213]

On what grounds Lagden made the allegation is not clear. Certainly, scholars reviewing the outbreak of the war have not judged Steyn as being responsible for the outbreak of hostilities.[214] Most likely, it was an outburst of prejudice caused by tension and Lagden's disdain for the Boer leaders. This attitude is clearly revealed in other entries. For instance, after receiving notification of the Transvaal ultimatum to Milner, demanding the recall of British troops transported to South

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210 Lagden Papers (Wits), D 1, Basutoland, Lagden to Stewart, 20 July 1900.

211 Lagden Diary, 1899, 7 October.

212 Ibid., 8 October.

213 Ibid., 10 October.

214 I have found no particular blame being attached to Steyn for the outbreak of hostilities: See AM Grundlingh, 'Prelude to the Anglo-Boer War, 1881-1899', in T Cameron, (General Ed), and SB Spies, (Advisory Ed), An illustrated history of South Africa, pp. 183-99; and, AN Porter, 'British Imperial policy and South Africa 1895-9', in P Warwick, (General Ed), and SB Spies, (Advisory Ed), The South African War. The Anglo-Boer War, 1899-1902, pp. 37-57.

Africa since July, Lagden noted: "How funnily this will read in History. These insolent Boers dictating to the British Empire".[215] The next day he continued in similar vein:

> The childish action of the Boers in declaring war against England will be a humorous feature in history ... The Boers seem to have lost their heads and to have imagined that a combat with England was simply a combat with a few soldiers. They little realise what they have now brought upon themselves.[216]

From the outset Lagden attempted to instil confidence into Lerotholi that the British would easily defeat the Republics and would not require the armed assistance of sympathetic Africans. He correctly assessed the Basotho to be favourably disposed towards the British[217] but that the retrocession of the Transvaal, after Majuba in 1881 had not been forgotten by the Basotho.[218] The chiefs were well aware that it would not be expedient to support the losing side.[219] Here, Lagden concluded that the ultimate loyalty of the Basotho depended on a swift military victory by the British forces.[220]

In communications with Milner and the Colonial Office, Lagden carefully and sagaciously emphasised the need for caution in the event of unforeseen circumstances. To Milner, he requested that "a generous allowance should be made for the doubt and fears to which native tribes have lately been exposed ... [because] native credibility" had recently

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215 Lagden Diary, 1899, 10 October.

216 Ibid., 11 October.

217 Warwick, Black people, pp. 52-3.

218 Lagden, The Basutos, p. 601.

219 Ibid., p. 602.

220 Warwick, Black people, p. 53.

been greatly strained.[221] Later, with no swift British victory in sight, he confidently informed him that there was no reason to doubt the loyalty of Lerotholi, Jonathan and Nqoebe, "who practically represent the country".[222] However, he added the proviso that:

> we cannot expect the people to be unanimous nor forget that every course in guiding the mass offers alternative difficulties ... when nerves are torn and conflicting reports and opportunity is afforded for intrigue and for playing upon fears and ambitions.[223]

Indeed, in Lagden's opinion, with all the stories and rumours in circulation, it was no wonder that the Basotho were "bewildered"[224] by December 1899.

On 3 October 1899, Lagden met Lerotholi and the leading chiefs in the Maseru Council Chamber. He laid down policy for Basutoland after the outbreak of war as well as attempting to explain the reasons for the war. He informed them that "the Boers [were] obstinate, they have talked a great deal, they have not listened, and hostilities are now almost imminent".[225] In an attempt to stir the chiefs and provoke a positive response, he cautioned: "A lie has gone out that the Basuto have taken a loving for the Boers, that they are tired of the British Government and that they like the Boers". Lerotholi rose to the occasion and provided the desired answer:

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221 CO 417/270/30588, Enclosure, Lagden to Milner, 4 October 1899.

222 CO 417/270/112, Enclosure, Lagden to Milner, 3 December 1899.

223 Ibid.

224 BAR, 1899-1900, p. 5.

225 CO 417/270/30588, 'Meeting held in Council Chamber', 3 October 1899.

> You Resident Commissioner, My Chief and father, treachery does not shine [sic]. I have seen the sneaking of the Boers and I do want it asked, where were you Lerotholi as even God would not speak for me if an accident once occurs.

Despite reports of Boer plans to attack Maseru, Lagden was pleased with events, and stated that "Lerotholi ... gives us his unconditional support in every way"[226], and after sending a letter to Milner from Lerotholi, felt secure enough to note: "I feel Basutoland is off the High Commissioner's shoulders".[227] Indeed, before leaving Maseru, Lerotholi again pledged himself to British interests and, once home, immediately informed Lagden of contact made by a Free State burgher, Dierdricks.[228]

Although Lagden had firmly declined Lerotholi's offer to fight for Britain, he was able to please him by accepting his brother Majela, along with his son Api, and sixty men to form a permanent guard for Maseru and carry-out additional border patrols.[229] Cooperation and assistance had already been received in the construction of small forts around Maseru.[230] Such activities were to be repeated throughout the country in the event of Boer aggression. Significantly, a flow of European and African refugees from the Free State appears to have been accepted by the chiefs even though they and their stock, would pose an additional burden on their overgrazed pastures around Maseru.[231]

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226 Lagden Diary, 1899, 3 October.

227 Ibid., 4 October.

228 Ibid., 5 October.

229 Ibid., 9 October.

230 BAR, 1899-1900, p. 6.

231 They had begun arriving in late September. The point is made because later in 1900, Lagden was to strongly resist the effort by the Army to involve Basutoland in the war. Officially, there were 1 845 Europeans and 5 660 African refugees, BAR, 1900-1, p. 13.

A second meeting was held with the Chiefs and the nation in the form of the annual pitso. Lerotholi and the leading chiefs reiterated their loyalty and their willingness to fight.[232] They informed Milner that they found it difficult to "sit quite quiet" whilst their chief, the Queen, was being killed by an enemy and asked for permission to assist their chief. They concluded: "we ... desire to show loyalty to the Government; that we may also be permitted to take part in this war against the enemies of the Queen". Whilst such overtures were rejected, Lagden and Milner had no hesitation in approving a request from Lerotholi to purchase twenty rifles and some ammunition.[233]

Immediately after the outbreak of war, a proclamation, in Sesuto, by the Free State, was widely circulated throughout Basutoland.[234] Addressed to the "Chiefs and Nation of the Basutos", it was signed by MT Steijn [sic], State President, and PJ Blignaut, Government Secretary. He explained that "the English [sic] Government [have] forced a war upon the Transvaal. The real cause of the war is that there are goldfields and diamonds which certain English people covet". It continued that the Free State was helping the Transvaal in this "unjust war" that the "English Government" had brought about and that as the Free State was liable to be attacked, it had sent commandos of burghers to the neighborhood of the borders in order to defend the country in the event of an attack. The Free State wished to make it clear that it was at peace with the Basotho and had no quarrel with them. It concluded that no harm would be done to the Basotho who

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232 CO 417/270/34330, Lerotholi and Chiefs to High Commissioner, 24 October 1899.

233 CO 417/270/33861, Enclosure, Lagden to Milner, 9 November 1899, telegram; and, Milner to Lagden, 10 November 1899, telegram,

234 BAR, 1899-1900, p. 14; and, CO 417/270/29103, Enclosure, `Proclamation from President Steyn'.

remained quiet and took no part in assisting the English.

War between Britain and the Boer Republics commenced on 9 October 1899. On 13 October, Lagden noted an "ugly report" of a successful Boer attack on an armoured train south of Mafeking (Mafikeng) which he received "with caution".[235] The following day he observed that "alarming news" continued to arrive of the Boers successfully cutting all lines of "communications everywhere"[236] whilst on 15 October he complained of the Cape having "done nothing to aid itself or Imperial interests".[237] Early in November, Milner informed Lagden of the successful Boer entry into the Cape and the likely cutting-off of communications. Milner's expression of "total confidence in [his] command and judgement" greatly pleased him.[238] On 3 December Lagden noted the depressing news and observed that "British energy [was] lacking ... whilst that of the Boers [was] great".[239] On 12 December he dejectedly reported that "the disastrous news of Gatacre's defeat at the Stormsberg" had "terribly handicapped" his policies in Basutoland.[240] On Christmas Eve, he resignedly admitted that the "news [was] terribly depressing" and that it was having a bad effect on

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235 Lagden Diary, 1899, 13 October.

236 Ibid., 14 October.

237 Ibid., 15 October.

238 Milner Papers, FK 1146, p. 1065, Milner to Lagden, 2 November 1899, telegram, p. 1065; and, Lagden Diary, 1899, 2 November.

239 Lagden Diary, 1899, 3 December.

240 Ibid., 12 December. For Milner's reaction, Milner Papers, FK 1102, p. 1531, Milner to Chamberlain, 14 December 1899: "Gatacre's extraordinary performance at Stormsberg, at which we can only gasp, will cost us, I fear, a great part of the Colony, and may throw the Native Territories and Basutoland, which were anxiously watching the war in this corner, into chaos".

Basutoland.[241] By this stage, Lagden was a sadly dejected and disillusioned man.

Before outlining Basotho reactions to the miserable British military performance, it is important to make two observations which greatly clouded Lagden's ability to appreciate events within Basutoland. First, his wife Frances was critically ill from nervous disorders and heart problems.[242] Indeed, Lagden considered her close to death. Without examining the medical reports, one cannot be categorical, but at face value, Lagden's diagnosis appears valid. This, coupled with his onerous task of administering Basutoland, must have been a great strain on his nerves and energy. Secondly, Lagden, unlike the Basotho, appears to have completely underestimated the military powers and abilities of the Boers. The defeats inflicted on British forces and the apparent inability of British forces to break the Boer stranglehold, must have shocked and depressed Lagden.[243]

When seen against the background of Lagden's comments in early October regarding Basotho loyalty, the need to appreciate their predicament and the necessity for a rapid British military victory, Lagden's reaction to the crisis was somewhat irrational and "paranoid".[244]

Attention needs to be focussed on Lagden's dealings with three of the Basotho chiefs: Joel, Lerotholi and Mocheko. Joel, a younger brother of Jonathan lived in the northern district of Leribe and had been at loggerheads with the Administration since 1884, but after 1892 had become more partial towards Lerotholi, largely one suspects because of Jonathan's disdain for the Paramount. Lerotholi, the Paramount, resided

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241 Lagden Diary, 1899, 24 December.

242 Ibid., see entries for December.

243 This is evident from his diary entries for October-December 1899.

244 D Denoon, 'Participation in the "Boer War"', in B Ogot (ed), War and society in Africa, p. 121.

at Matsieng, about thirty kilometers south of Maseru. As noted, he publicly and privately espoused the British cause and throughout the early summer months continued to assure Lagden of his loyalty. Mocheko, a Phuting, lived in the southern district of Quthing, where despite a close understanding with the local assistant commissioner, Barrett, he was on bad terms with Lagden and Lerotholi regarding the `placing' of Griffith Lerotholi.[245]

Despite all the rumours of Joel's alleged intriguing with the Free State Boers[246], it was only on 6 November that Lagden learned of further agreements between Joel and the Boers.[247] Anticipating the worst, Lagden conferred with Lerotholi before sending an "ultimatum" not only to Joel but also to Maama and Thebe Masopha.[248] Nowhere does Lagden spell out what was mentioned in the ultimatum but it appears that all three were warned against cooperation with the Boers. When Joel failed to react to the ultimatum, Lagden became concerned and on 12 November confessed to the "Joel difficulty ... causing me much anxiety".[249] Matters deteriorated decidedly when Lagden learned that Joel, with Boer-supplied Mausers, had attacked one of his own headmen, Hlasoa, who was friendly with Jonathan. All told, five men were killed and several villages destroyed. To worsen matters, Lagden believed that Letsienyana and other chiefs now supported Joel[250], and Lerotholi was

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245 For Barrett's views, Stanford Papers, B 12.10, Barrett to Stanford, 11 February 1900.

246 BAR, 1899-1900, p. 9. Also, The Friend, 9 November 1899, reprinted in BAR, 1899-1900, pp. 14-6.

247 Lagden Diary, 1899, 6 November; and, CO 417/270/34330, Enclosure, Lagden to Milner, 13 November 1899.

248 Their crime was to indulge "secretly in conversation with the enemy, hoping they might regain by any means, tribal influence, lost by their own follies in the past", BAR, 1899-1900, p. 9.

249 Lagden Diary, 1899, 12 November; and, BAR, 1899-1900, p. 25-6.

250 Lagden Diary, 1899, 28 November.

markedly reluctant to take action against Joel.[251] Largely due to MacGregor's assurances that Joel would be punished when the occasion was more opportune, Jonathan refrained from taking retaliatory action.[252] However, whilst one should not underestimate the gravity of the situation, it is noteworthy that such raids had been carried out since 1881. Whilst "Boer intrigue" was most likely present, the limited scale of the attack should have indicated to Lagden that Joel was certainly not the `lackey' of the Boers and was still his own master. Whilst Lagden strongly disapproved of Lerotholi's apparent inactivity in the matter[253], it is clear that Lerotholi's refusal to make the issue a major confrontation, not only averted a major crisis but ensured that links with the Paramount were not completely severed. Joel chose to ignore Lagden's summons to appear before a court in Maseru[254] and forced Lagden to temporarily drop the matter which was eventually settled after the termination of the war.[255] It should be noted that apart from the traditional antipathy between Joel and Jonathan, many of Joel's people were regular reapers for the Boers and would have been keen to continue their reaping, especially as the wages offered were greater than usual.[256]

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251 Ibid., 26 November. Lagden believed that the Joel incident had driven Lerotholi to drink, ibid., 15 November.

252 BAR, 18999-1900, pp. 10 and 25-6.

253 Lagden Diary, 1899, 6 November; and, CO 417/270/34330, Enclosure, Lagden to Milner, 13 November 1899.

254 It appears that Lerotholi agreed with Joel not to take any action, if he let matters cool down. It should be noted that prior to the outbreak of war, Joel had supported Lerotholi against Jonathan and that Joel may have been `used' by Lerotholi in his dealings with the Boers.

255 Lagden Diary, 1899, 26 November.

256 Obviously, the Boers were keen to reap their crops as quickly as possible before the Basutoland Administration could take effective steps to prevent the Basotho from crossing the border. Stanford Papers, B 12.10, Barrett to Stanford, 11 February 1900.

Lagden's official reports and his private diary entries reveal a certain discrepancy. His reports to Milner were relatively calm and balanced showing considerable judgement and understanding.[257] However, his diary reveals considerably greater concern and panic, much of it unwarranted and unsubstantiated.[258] It is significant that a telegram to Milner on 13 December, stating that he was "much encouraged by loyal and earnest help of officers ... and by the unfaltering loyalty of Lerotholi"[259] finds no corresponding diary entry. On 19 November, Lagden noted: "I cannot help suspicions that Lerotholi may have had a hand in coquetting with the Boers".[260] Later, on 26 November, "there is something between [Joel] and Lerotholi"[261], and on 7 December, "Lerotholi is now getting nervous".[262] He had good reason to be when one considers the state of the war and the possible consequences for the Koena dynasty in the event of a Boer victory. Lagden himself was at a loss: "Our policy is to sit very tight"[263]; "it may be impossible to hold the Basutos in hand"[264]; "news terribly depressing ... effect on Basutoland getting very bad"[265] and "It is very depressing [and] very hard to explain to natives and I cannot attempt to do so".[266]

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257 For instance, CO 417/270/30588, Enclosure, Lagden to Milner, 4 October 1899; CO 417/270/34300, Lagden to Milner, 13 November 1899; and, CO 417/270/112, Lagden to Milner, 3 December 1899.

258 Lagden Diary, 1899, 18 November 1899 and 4 December; and, Lagden Diary, 1900, 20 and 31 January.

259 CO 417/270/1010, Enclosure, Lagden to Milner, 13 December 1899, telegram.

260 Lagden Diary, 1899, 19 November.

261 Ibid., 26 November.

262 Ibid., 7 December.

263 Ibid., 4 December.

264 Ibid., 6 December.

265 Ibid., 24 December.

266 Lagden Diary, 1900, 31 January.

The problems with Mocheko were not as complicated and crucial[267], but again Lagden greatly exaggerated the threat of his activities. As with Joel, Mocheko's pre-war grievances were maintained and he was forced to flee to Herschel after provoking Griffith Lerotholi. Fortunately for Lagden, British forces were based there and were able to apprehend him and speedily return him to Basutoland and the Maseru jail.[268] Lagden was well aware that Barrett was opposed to the Administration's policy over Quthing.[269] He should have replaced him, or as later happened after the Boer invasion of the Cape, moved in forces loyal to Lerotholi led by Bernard and Api, along with Charlie Griffith[270], a sub-Native Commissioner who should not be confused with the son of Lerotholi.

Finally, with the ripening of crops and the opportunities of earning wages not generally available because of the war, most Basotho along the border were keen, perhaps desperate[271], to reap crops for the Boers. Many must have been depending on such wages for survival and payment of the hut tax. Hence, whilst one can appreciate Lagden's desire to deny the Boers labour[272], it is easy to undertsand why his appeals were ignored. Certainly, in Basotho eyes, reaping under the prevailing circumstances was not a treasonable offence. Lerotholi was not perturbed and refused to take action against Letsienyane and Nqoebe.[273] He fully understood their predicament.

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267 CO 417/270/33043, `Basutoland', Just to Graham, 30 November 1899.

268 Lagden Diary, 1899, 19 October.

269 Ibid., 29 October. This is confirmed by Barrett's correspondence with Stanford.

270 Ibid., 22 December.

271 Apart from the disruption of migrancy, many districts had not recovered from rinderpest losses and, of course, taxation had been doubled.

272 Lagden Diary, 1899, 5 November and 20 December.

273 By June 1900, Lagden had conveniently `forgotten' his complaints against these two chiefs, CO 417/297/20999, Enclosure, Lagden to Milner, 7 June 1900.

The hut tax was not only the major source of revenue but also provided a reliable barometer of cooperation and loyalty. 1899-1900 was the first year of collection with £1 being demanded. The actual collection was in late November and early December. The results of the yield need to be emphasised because they reveal, with the exception of Joel's ward, the loyalty of the major chiefs in bringing a yield twice that of the previous year, at a time when Lagden considered British prestige and authority to be at an all-time low. 1898-9 had yielded £23 678 at the 10s. per hut rate whereas 1899-1900 yielded £47 047 10s. at the 20s. rate.[274] Nothing can contradict Lagden's assessment of the situation more than this. It must be assumed, therefore, due to his concern over Frances, and the demands of the war, along with the Boer successes, that Lagden was incapable of rationally gauging the situation within Basutoland. One must conclude that despite the apparent Boer successes by December 1899, Basotho loyalty to Britain and opposition to the Boers was considerably greater than Lagden supposed.

Lagden's superiors, unaware of his personal views, remained impressed by his efforts. Milner told Selborne that Lagden had done "wonderfully well" in keeping the Basotho quiet.[275] Later, he informed Chamberlain that "in a position of enormous difficulty, he has done excellent service".[276] Just, at the Colonial Office, was equally impressed. He saw Lagden being successful not only in keeping the Basotho quiet and preventing civil strife amongst themselves but also preventing any

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274 BAR, 1899-1900, p. 17; and, CO 217/270/35010, Note by Just to Herbert, 25 February 1900.

275 Milner Papers, FK 1101, p. 1260, Milner to Selborne, 18 October 1899.

276 CO 417/270/35840, Milner to Chamberlain, 26 December 1899, telegram.

attacks being made on white people.[277]

In retrospect, one can see that Lagden perceived December 1899 and January 1900 as the crisis period of the war. He believed that the checking of British forces during `Black Week'[278] clearly demonstrated to the Basotho the dominance of the Boers. Mainly as a result of "much intrigue" he was convinced that some of the Basotho chiefs secretly disapproved of Lerotholi's "pronounced loyalty", at least until the Boers were well beaten.[279] He also learned that they believed Joel to have "played the right game ... in view of the uncertainty of the issue".[280] To Milner, at least, Lagden put on a brave front and reckoned that full loyalty could not be expected "when nerves [are] torn and opportunity is afforded for intrigue".[281]

Less than a week later, he reassured the High Commissioner that the chiefs were not disloyal but were "waiting upon events".[282] However, reports from Elliot, Chief Magistrate of the Transkei, alleging that Griffith Lerotholi was planning to make "mischief" and join the Boers caused Lagden to panic and break with an annoyed Lerotholi who resented being accused of "sleeping".[283] Very indignantly, Lerotholi then pointed out to Lagden that the success of the hut tax collection had been due to his instructions. His concluding remark was very telling and appropriate. It was a stinging condemnation of Lagden and his

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277 Ibid., Note by Just, 28 December 1899.

278 T Pakenham, The Boer War, pp. 246-9.

279 CO 417/270/112, Enclosure, Lagden to Milner, 3 December 1899.

280 Ibid.

281 Ibid.

282 CO 417/270/1010, Enclosure, Lagden to Milner, 9 December 1899, telegram.

283 Warwick, Black people, fn 57, p. 67, quoting material in Lesotho Archives.

unwarranted suspicions:

> Chief it is not law to drive people from your court before they have given account of themselves. This is a thing which you frequently do.

As has become evident, the attack was deserved.[284]

The chance arrest of a messenger attempting to re-enter Basutoland on 18 December, revealed plans by Letsienyane to provide reapers to frontier farmers[285], whilst a week later, intelligence reports caused Lagden to become "nervous" about Nqoebe who was believed, understandably, to be impressed by the success of the Boers ... and the Barkly rebels who had "been stuffing it into him with effort". The result was, in Lagden's opinion, that Nqoebe was "sitting on the fence".[286] By late January, Lagden was still convinced that Nqoebe, mainly because of the presence of Commandant Olivier's forces, "was believed to espouse the cause of the Boers".[287] Perhaps because no attack on Basutoland materialised, Lagden remained superficially calm for the moment. He reiterated his previous analysis of the situation that it was understandable that some chiefs, especially younger ones, should accept the "stories" but that Lerotholi and Jonathan had shown no signs of wavering and that the nation, as a whole, had behaved well.[288] Indeed, on 27 January, Lagden was surprised but delighted to receive a "submissive" letter

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284 Ibid.

285 BAR, 1899-1900, p. 8.

286 Lagden Diary, 1899, 20 December; and, CO 417/297/2474, Enclosure, Lagden to Milner, 24 December 1899.

287 CO 417/297/5241, Enclosure, Lagden to Milner, 27 January 1900. For background on Olivier's forces, see Pakenham, The Boer War, pp. 379-80.

288 CO 417/297/5241, Enclosure, Lagden to Milner, 27 January 1900.

from Joel along with £900 hut tax collection.[289]

It would appear that it was during this period that Lagden imagined that the Basotho were conspiring to unite the various African polities to overthrow white supremacy in South Africa. This was noted in the annual report, and later, in The Basutos. It also formed a major concern in a letter to James Stewart.[290] Lagden argued that the cause of the conspiracy was the "deep Boer intrigues" and claimed he believed that it was very possible that "the black terror would envelop and direct the course of the war". Few modern historians, excepting perhaps Donald Denoon, would accept such an interpretation despite the abundance of material showing that it certainly was not, exclusively, a "white man's war".[291]

Lagden interpreted Roberts's march on Bloemfontein and the occupation of the Orange Free State over-optimistically.[292] Two important themes emerge. One, the inevitable triumph of British forces; two, the completeness of the Boer defeat. On 10 February, he noted that "It is getting plain that Lord Roberts is making plans to march rapidly on Bloemfontein". By 17 February, he felt Roberts to be "engineering the campaign well and we may have confidence in him". Later, "the news [of Roberts's advance] has had a glorious effect on Basutoland", whilst on 28 February, he recorded "the brilliant success of Roberts in effecting the surrender of Commandant Cronje".[293]

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289 Lagden Diary, 1900, 27 January; and, CO 417/297/5241, Enclosure, Lagden to Milner, 28 January 1900, telegram.

290 BAR, 1899-1900, pp. 5 and 10; Lagden, The Basutos, p. 602; and, Lagden Papers (Wits), D 1, Basutoland, Lagden to Stewart, 20 July 1900.

291 Denoon, `Participating in the "Boer War"', p. 120.

292 Lagden Diary, 1900, dates as indicated in the text.

293 Ibid.

On 15 February, Lagden observed that "Boers [were] panic stricken" and by 18 February "appear[ed] to be almost broken down", and by 28 February, he noted with great pride that "they [the Free Staters] are naturally aghast at the idea of their armies being beaten and captured by the British soldier - It is time they were made aware of the fact of their insignificance, their ignorance and insolence".[294]

On 13 March, after Roberts had entered Bloemfontein and it was widely held by the British, and many Boers, that the war was almost over, Lagden made a remarkable entry in his diary:

> We little know how near we have been to a Basuto uprising against us. It becomes more apparent to me every day. The natives have, time after time, very nearly deserted [us] and joined with the Boers to cut our throats.[295]

Peter Warwick has justifiably criticised Lagden on this and accounted for it in terms of his "neurotic temperament and self-delusion" about the realities of Basotho affairs.[296] Indeed, as this thesis suggests Lagden periodically experienced bouts of neurosis and self delusion, especially after times of considerable physical and mental exertion. As will become evident, Milner was well aware of these shortcomings and believed Lagden to exaggerate the fears and doubts of the Basotho. As already noted, Lerotholi was, by December 1899, rather tired of Lagden's lack of confidence in his loyalty and cooperation.

The South African War did not end in March 1900 but continued through to May 1902. From the Basutoland perspective, 1900 saw considerable action and fluctuations in fortunes. Virtually all the settlements close to the Free State-Basutoland border, (Thaba 'Nchu, Ladybrand,

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294 Ibid.

295 Lagden Diary, 1900, 13 March.

296 Warwick, Black people, pp. 67-8.

Dewetsdorp, Ficksburg) were occupied, then abandoned by both sides, as local strengths and objectives changed.[297] Apart from the military sphere which was of considerable importance, ordinary Basotho rapidly became involved in labour, transport and provisioning aspects of the campaign.[298]

Apart from the permanent patrolling of the border already noted, Basotho scouts played a decisive role in supplying intelligence to British forces as regards Boer troop movements, events in Natal and reports on local military confrontations.[299] Such activities, no doubt, played a major role in British military operations. However, they were equally important in enabling Basotho to earn good wages. One incident, in particular, suggests that Basotho scouts/spies/messengers, were well rewarded. On 13 March, Lagden recorded that he "despatched two men, Jantje and Seiso ... to go to Lord Roberts. They are to get £30 if successful".[300] £30 was easily the equivalent of six months wages on the goldmines in 1899. Admittedly, the work was risky and dangerous but such rewards were high and partially explain the enthusiasm of many Basotho for the British war effort.

Two particular incidents deserve close treatment: the siege of Wepener by de Wet's commando between 9 and 25 April 1900, and the siege of Ladybrand by Commandant Piet Fourie, in September 1900, when a small British force of 123 regulars and 30 local volunteers, commanded by Major F White, were cornered and outnumbered by Fourie's forces.

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297 Ibid., pp. 59-62; and, Pakenham, The Boer War, pp. 386-95 and 419-60.

298 Apart from observing the 1 000 burghers from Ficksburg, Bethlehem and Wittebergen, the Basotho were utilized in July 1900 and February 1901 to prevent Commandant de Wet entering Basutoland to evade capture.

299 Lagden Diary, 1900, 13 March. Roberts privately thanked Lagden most sincerely for the assistance he received from Basutoland, also see entries for 27 May and 27 June 1900.

300 Ibid.

Much of the action along the Basutoland frontier was the result of General Roberts's major blunder in failing to engage and defeat Boer forces led by Commandant Olivier who found themselves behind British lines.[301] Despite abundant intelligence reports (provided by the Basotho), this considerable force of six to seven thousand was able to break out from behind the British lines and establish a major military threat throughout the eastern and northern Orange River Colony (as it was now known).

On 9 April 1900, Captain EH Dalgety and a force of 1 850 troops from the Cape Mounted Rifles and Brabant's Colonial Division, occupied Wepener and took up positions at Jammersberg Drift on the Caledon.[302] It was an isolated position with the only escape being into Basutoland. The threat was serious and it was quite possible that either the British forces would have to retreat into Basutoland or that the Boers might invade. Lagden was aghast at the thought of either. After consulting Lerotholi, who was wisely taken along, Lagden and 3 000 Basotho travelled to opposite Wepener to act as frontier guards and prevent any Boer encroachment. Lagden then organised the smuggling of supplies and ammunition into Wepener and evacuated one hundred sick or wounded men.[303] Much to Lagden's relief, the garrison was eventually relieved on 25 April without either side entering Basutoland.

The siege of Ladybrand was different. Roberts and his military advisers decided that White's garrison should, if necessary, and this appeared most likely, retreat into Basutoland.[304] After making these

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301 BAR, 1899-1900, p. 7; Warwick, Black people, pp. 59-60; Lagden Diary, 1900, 5 to 27 April; CO 417/297/14910, Roberts to Milner, 11 April 1900; and, ibid., Enclosure, Lagden to Milner, 12 April 1900.

302 Lagden, The Basutos, pp. 604-6.

303 BAR, 1899-1900, pp. 7-8.

304 Ibid., 1900-1, p. 6; and, Warwick, Black people, pp. 60-1.

decisions, Milner and Lagden were informed, rather than consulted. Whilst Milner agreed with the military on the grounds that a defeated garrison would have a more drastic effect on the Basotho than a retreating one[305], Lagden remained indignant and anxiously claimed that such a move would probably jeopardise Basutoland's neutral status. He believed that this would upset the Basotho who would see the force as being one despatched to occupy Basutoland.[306]

Such an analysis was ludicrous, especially in the light of Lerotholi's cooperation and loyalty. Indeed, considering the economic benefits accruing to the Basotho, and particularly Lerotholi's immediate family, one might argue that Lerotholi might have even wished the forces to enter Basutoland.

In many ways the Basotho took great advantage of the opportunities created by the war. From the time of the occupation of the Free State, Basuto ponies were required in vast numbers by the army. Lagden was well aware of this from the outset as he appears to have been involved in some of the purchases. By 22 February 1900, the Administration had purchased 560 ponies at an average price of £14 5s. This order was contracted to Frasers[307], the well known Free State trading company. By the end of June 1900, 4 419 horses had been sold for £64 031 18s. In the following year the trade increased to 15 684 at a value of £262 998, only to fall to 656 at a value of £9 049 15s, in 1901-2.[308] As many horses were exchanged for cattle, the number of horses "lost" to Basutoland was infinitely higher and probably between 30 and 35 000.

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[305] CO 417/293/31108, Lagden to Milner, 29 August 1900; Lagden to Milner, 3 September 1900; Milner to Lagden, 3 September 1900; and, Lagden to Milner, 3 September 1900, telegram.

[306] Lagden Diary, 1900, 2-3 September. This policy was maintained by Sloley who succeeded Lagden as Resident Commissioner in December 1900, Warwick, Black people, p. 61.

[307] Lagden Diary, 1900, 22 February.

[308] BAR, 1899-1900, p. 19; and, ibid., 1901-2, p. 14.

This resulted in a quantitative and qualitative loss. Further, as the earnings were mainly utilised to purchase cattle, often of inferior and diseased quality, the Basotho suffered rather badly in both the middle and long term.

The second major role of Basutoland, in aiding the Imperial war effort was the supply of labourers to the army. As no accurate and complete statistics were kept, it is difficult to present precise figures. However, Lagden evidently had no problems in meeting the many requests for railway or military work. Between March and May 1900, over 3 000 Basotho travelled to Bloemfontein for work, and in 1901-2, over 11 000 others sought employment, some of whom, though obviously a minority of experienced transport riders, earned 110s. a month for such work.[309]

As would be expected from the "granary of South Africa", Basutoland was able to provide vast quantities of grains such as wheat and maize after markets were reopened in August 1901. Grains earned over £47 000 in 1901 and over £80 000 in 1902. However, as with horses, the Basotho were to experience problems as the price for grains remained low due to plentiful supplies being available whilst desired consumer goods remained costly owing to short supply. Again, relations with the traders deteriorated and Maama even forced two traders to cease business because of the unfavourable terms of trade experienced by the Basotho.[310]

A fourth major activity of the Basotho, especially after March 1900, and more so in 1901, was the frequent incidence of cross-border raids to procure Boer cattle and loot.[311] Despite patrolling by the Border

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309 Ibid., p. 12; and, Warwick, Black people, pp. 68-9.

310 BAR, 1902-3, p. 7; and, Warwick, Black people, p. 72.

311 BAR, 1899-1900, p. 11; and, Stanford Papers, B 12.11, Barrett to Stanford, 20 January 1900.

Patrol unit there were many Basotho raids on the frontier. Partially these raids must be seen as acts of war, but also, the opportunity to settle old scores with personal enemies. Significantly, the worst offenders were the Baphuti of Quthing. It would appear that Lerotholi, in principle, agreed to prevent such raids, but the enforcement of such an unpopular policy was hardly likely to be successful.[312] Jonathan was another offender who was prepared to defy the Paramount on the issue. One point must be made. Such raiding should not be interpreted as disloyalty to the British.

Future Prospects.

To conclude this chapter, and Lagden's career in Basutoland, an outline is presented explaining how Lagden came to serve in the Transvaal in 1901. He had last enjoyed "home leave" in 1897 and by the end of 1900 was due for further leave. This was especially so considering his deteriorating health (he was suffering from piles) and the collapse of his wife's health. Also, he had a growing family which needed formal schooling. Of course, few would deny the mental and physical exertion displayed by Lagden during the war and, as has been noted, 1900 was probably a more demanding period for Basutoland than 1899.

It appears that Lagden greatly wearied of the war, and in September wrote to Milner expressing his frustrations and fears. Milner was sympathetic towards Lagden's predicament. He informed him of his genuine "sympathy" and of the need to "persevere". He admitted that it had been a "fearful strain" but "your work is splendid". He concluded that he hoped to see Lagden in Bloemfontein in October.[313] On 27 October, Lagden met Milner and Pretyman in Bloemfontein. Milner spoke candidly about Lagden's future. In Lagden's words: "He [Milner]

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312 Warwick, Black people, p. 73.

313 Milner Papers, FK 1146, p. 1066, Milner to Lagden, 11 September 1900.

virtually offered me a Colonial Governorship, an appointment in the Colonial Office, London, or to be on his Executive Council" in the Transvaal as Head of Native Affairs.[314] After this, Lagden retired to consider the proposals.

Lagden's future had been a cause of concern to Milner for some time. He wanted to transfer him from Basutoland for a variety of reasons, not least his family situation, but also because he felt Lagden deserved a change. Equally important though, Milner realised that the remainder of the Basutoland Administration required a break from Lagden and that several promotions were merited and deserved.

As far back as August 1898, Milner had impressed on Lagden that his "position and prospects" had been much improved by the KCMG and his "substantive appointment" and that he had a much better "jumping off place" than before.[315] Later, in April 1899 after Lagden had accused Milner of considering the Basutoland Administration "back woodsmen", Milner attempted to conciliate him by informing Lagden that he had spoken to Selborne about his future: "Though I was anxious to keep you in Basutoland for a bit longer, I hoped he [Selborne] would think of it as among other Crown Colonies ... Of course, he promised nothing but I think he appreciated the fairness of my contention ... but I think they will bear you in mind".[316]

Milner had put in a very strong case for Lagden:

> I told Wingfield, before I left, that I hoped you would bear [Lagden] in mind for employment elsewhere than in Basutoland. He has done good work there and is capable of good work anywhere. But he has had 14 years in Basutoland - six in practically the chief

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[314] Lagden Diary, 1900, 27 October.

[315] Milner Papers, FK 1145, p. 1021, Milner to Lagden, 8 August 1898.

[316] Ibid., FK 1146, pp. 1060-3, Milner to Lagden, 20 April 1899.

position - and he is getting very sick of it. It is awfully wearing the same anxious responsible solitary work year after year ... When I first came to South Africa, I though[t] Lagden quite ideal in his present place. And so he was at one time but ever since the last big row, I have noticed signs of weariness and despondency. He wants a change, just as the service under him wants promotion. I could replace Lagden, and the move would not only be good for him but would give the excellent staff under him a needed fillip and well-deserved reward ... If, in the next year or two, you could give Lagden a Governorship of £1 800 or £2 000 a year - in a not too frightful climate ... it would be fair to him and good for all of us.[317]

Milner next considered Lagden's future in June 1900 when pondering over likely personnel for the civil administration to be appointed in the Orange River Colony (ORC) and the Transvaal. Initially, Lagden was considered as Administrator of the ORC but was overlooked to accommodate Goold-Adams who had, in Milner's opinion, distinguished himself during the siege of Mafeking and had a real "knack" for dealing with the Boers.[318] Milner surmised that Lagden would undoubtedly have liked to have employment in the Colonial Office but he feared this would be "difficult". However:

Failing such employment, I have suggested a non-African Colonial Governorship if there is one in a decent climate; and failing this again, there is, if Hely Hutchinson goes, Natal. There would be less to do there than in the ORC, and the prejudice against a man who governed the Basuto (hereditary enemy and terror of the OR [sic] people) would not exist.

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317 Ibid., FK 1101, p. 1221, Milner to Selborne, 31 January 1899.

318 Ibid., FK 1145, p. 881, Milner to Chamberlain, 27 June 1900. For Goold-Adams's career in the Orange River Colony, see CJP Le Roux, 'Sir Hamilton Goold-Adams se rol in die Oranjerivierkolonie, 1901-1910', Unpublished MA dissertation, Rand Afrikaans University, 1977.

> Of course, I have also got him in mind for the Transvaal - as Head of the Native Department. But I have always had a little feeling about Lagden that while he has lots of work left in him, his best work is done, and that he would like, and is best fitted for, something rather less arduous and straining, some post of less incessant work, than he has had, or than any big Transvaal official will have in the next few years.[319]

Milner had correctly assessed Lagden's strengths, weaknesses and aspirations and it appeared that, with the conclusion of the war, hopefully not too distant, he wanted Lagden to have his much needed rest and be fit to take up a new post. Lagden does not appear to have been considered for any post except for Native Affairs in the Transvaal. The reasons for this can only be surmised but his lack of a university education or distinguished military service, as well as his relatively humble family origins, were probably paramount. Of course, there were his well known personality problems with his short temper and inclination to take offence when none was intended. Also, it should be remembered that he had obtained his commissionership in Basutoland by extraordinary good fortune and had Clarke not been absent from Basutoland on a temporary basis for so long, it is highly unlikely that Lagden would have been appointed Resident Commissioner.

On 19 October 1900, Lagden met Milner again, and in his own words, "placed myself in his hands to take up the position in which I could best serve him unreservedly. He said pay at Pretoria would be £2 500. I only said I wished to be in the swim of the great South Africa work in solving the great question of administration now devolved upon him".[320] On 9 December, Lagden received a telegram from the High Commissioner appointing him Director of Native Affairs in the

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[319] Milner Papers, FK 1145, pp. 881-2, Milner to Chamberlain, 27 June 1900.

[320] Lagden Diary, 1900, 29 October.

Transvaal with a seat on the Executive Council and a salary of £2 500.[321]

Lagden's wife and family had already travelled to England so that the children could start the new academic year and Frances could attempt to regain her strength and health away from the rigours and stresses of Maseru.[322] After hurriedly packing up all his belongings and selling off unwanted furniture, Lagden said a "heartfelt" farewell to his friends in Maseru and left for Cape Town via Bloemfontein. It is interesting to note, considering their differences in 1894, that he lunched with Cecil Rhodes and enjoyed a ride around his Groote Schuur estate.[323] On the eve of his departure, and apparently at Milner's suggestion, Lagden received a deputation from the Chamber of Mines. His diary entry was brief and prophetically pointed to what would become his overriding concern in the Transvaal: "Received a deputation of the Chamber of Mines re. labour ... and sent them away happy".[324]

There can be no doubting that in December 1900 Lagden was far more concerned with his own immediate future and the opportunity to rest and relax after the strain of the past few years. Milner had realised Lagden's weakness for taking offence at any criticism offered but had no doubt that he would be a competent and efficient administrator in the Transvaal. However, it seems that he grossly overestimated Lagden's ability to draft legislation for African labourers on the Rand and to withstand the wrath of the unappreciative Transvaal (white) public.

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321 Ibid., 9 December.

322 Ibid., 18 December.

323 Ibid., 21 December.

324 Ibid., 24 December.

CHAPTER 6

TRANSVAAL 1901 - SEPTEMBER 1903.

This chapter focuses on Lagden's career from his return to England in early January 1901 until his departure from Johannesburg for Cape Town, in September 1903, to assume the chairmanship of the South African Native Affairs Commission (SANAC). This period proved to be extremely demanding on Lagden. Apart from the pressure and frustrations he faced as Commissioner of Native Affairs, Lagden experienced serious problems in his inter-personal relations with his wife and family, as well as with Milner. In retrospect, it is blatantly obvious that Lagden was unsuited for the task ahead. Administering Basutoland was of limited value as a training and preparation for managing the African labour requirements of the Transvaal. Indeed, such was the importance of procuring sufficient labour for the mines, apart from the needs of agriculture and general reconstruction work, that much of the work of Milner's Administration was concerned with labour issues.

Home Leave in England.

Soon after Lagden's return to London, Queen Victoria was taken seriously ill and died. Like many prominent Victorians, Lagden supposed the "whole world [was] plunged in grief ... [and was] convulsed with pain and concern".[1] At the Westminster Abbey service and the funeral at Windsor, Lagden represented Basutoland, resplendent in a full general's uniform befitting the status of the Commander-in-Chief of Her Majesty's forces in Basutoland.[2] Later, he was officially invited to attend the Opening of Parliament, such a "splendid sight"[3], and to be

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[1] Lagden Diary, 1901, 20 January.

[2] Ibid., 1 February.

[3] Ibid., 14 February.

lavishly entertained by Wernher Beit and Partners when he met "a good many of the firm".[4] Lagden's delight and pleasure was somewhat marred by what he perceived to be the "ungracious" attitude towards him by the Colonial Secretary, Joseph Chamberlain. As Lagden later reported to Milner, whilst a "considerable number of public men [had been] exceedingly gracious [to him], he [Chamberlain] appeared almost churlish".[5] Apparently, Lagden had paid a courtesy call on the Colonial Office soon after his arrival in London but Chamberlain, heavily involved in parliamentary affairs, had been absent and had failed to invite Lagden to pay a return visit and have a private conversation about the role of Basutoland in the war, as well as discuss Lagden's personal future. They eventually met at the end of February, when they had, "rather a strong interview on the subject of pay and allowance". Lagden considered that Chamberlain was the "only person in England who had treated him with indifference, and [he] felt it keenly".[6]

Lagden's behaviour and attitude were caused by his learning, from "Financial Associates" at the Colonial Office, that two of his erstwhile colleagues in the Transvaal, Sir Richard Solomon (Attorney-General)[7], and George Fiddes (Imperial Secretary)[8], were to receive more than Lagden's £2 000 per annum salary and £500

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4 Ibid., 19 February.

5 Lagden Papers, Mss Afr S, 174, Lagden to Milner, 2 April 1901.

6 Lagden Diary, 1901, 28 February.

7 Lagden Papers, Mss Afr S, 174, Lagden to Milner, 2 April 1901. Sir Richard Solomon (1850-1913), Lawyer; Inner Temple 1879; practised in Cape Colony; Member of the Cape House of Assembly 1893, 1896-1900; Attorney-General (Cape) 1898-1900; Attorney-General (Transvaal) 1902-7; Agent General for Transvaal in London 1907- 1910; and, High Commissioner for South Africa 1910-13.

8 Sir George Vandeleur Fiddes (1858-1936), Private Secretary to Milner 1897-1900; Secretary to Transvaal Administration 1900-2; 1902-21 various posts within the Colonial Office.

allowance. It was only on 24 April 1901 that Lagden finally accepted the Commissioner of Native Affairs post, as proposed in Bloemfontein in September of 1900.[9] In addition, he was granted an extra £300 allowance to set up a household in the Transvaal. Further, he would receive full Basutoland pay until he recovered from a piles operation. In addition, he was to remain in England until he met Milner and discussed future Transvaal policy.[10] All the objections and complaints led Chamberlain to telegraph Milner to complain about Lagden's attitude. Milner replied that he did want Lagden but he was "not in any-wise indispensable; indeed, I should not be sorry to learn that he was well provided for in some other direction". [11] Perhaps Lagden had agreed to terms just in time!

When Milner docked at Southampton, Lagden was present to greet him. Later, he was entertained to lunch by Milner at the Brothers Club. Here, Milner "gave [Lagden] his ideas as to future work in the Transvaal ... He was very pleasant".[12] Soon after this he was invited to present a paper, `Basutoland and the Basutos', to the Royal Colonial Institute. The meeting was "largely attended and a great success".[13] Indeed, it led to an invitation to travel to Edinburgh to present a similar paper to the Scottish Geographical Society. Again, he had "an enthusiastic audience and it went off very well".[14] Upon his return to London, Lagden was presented with his KCMG, which had been awarded

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[9] Lagden Papers, Mss Afr S, 211/3/1, Lagden to Colonial Office, 24 April 1901.

[10] Ibid., Colonial Office to Lagden, 29 June 1901.

[11] Milner Papers, FK 1190, p. 1010, Milner to Chamberlain, 5 March 1901.

[12] Lagden Diary, 1901, 17 June.

[13] Ibid., 17 May. `Basutoland and the Basutos' is filed under Lagden Papers, Mss Afr S, 211/3/2.

[14] Lagden Diary, 1901, 3 June.

in 1897, by King Edward VII, who congratulated him heartily[15] and personally invited him to Marlborough House for an interview. "He [Edward] was", noted Lagden, "delightfully kind and nice, and conversed with me freely about my past life and work - in parting [he] bade me God speed ... No one could have been kinder".[16]

On 13 July, 1901, having fully recovered from his operation, and having enjoyed watching cricket at the Oval and played several rounds of golf with his sons, Lagden sailed for Cape Town. His departure was rather emotional:

> I was much moved at parting from all my dear ones and could scarcely hold myself together. Dear Ron [now aged 13 years] broke down terribly. I am more than ever disturbed.[17]

Later, he was to regain his composure and as chairman of the Sports Committee, presided as King Neptune at the `crossing of the line' ceremony.[18]

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15 Ibid., 16 June.

16 Ibid., 5 July.

17 Ibid., 13 July.

18 Ibid., 22 July.

The Transvaal's Labour Problems.

Following the Peace of Vereeniging[19], there was a large scale inflow of speculative funds from European investors who hoped to earn reasonable interest on their investments in the widely anticipated "boom" conditions. The "boom" did not arise for a variety of reasons. First, there was a general and widespread shortage of unskilled African labour which particularly affected the gold mines because of the 1900 decision to reduce the wages of African labourers to 30s. a month. Secondly, the reckless pre-war policy of working the comparatively richer veins of gold bearing reefs made the mines' profits considerably less than before. Thirdly, the shortage of labourers caused African wages to be raised considerably in order to attract workers. Thus, the profits fell because of increased costs and diminished returns. The Milner Administration was able to partially cushion these trends by the capital amortisation allowances in the Profit Tax Proclamation of 1902, the reduction of railway rates and the adoption of a new duty on dynamite in 1903. Nevertheless, the Report of the Transvaal Treasury for 1902-3 clearly indicated that the measures were insufficient to stave off a major decline in profits.

During the course of 1903, the stock market boom in gold shares began to collapse as there was increasing evidence that a serious crisis was emerging. Thus, at a time of falling working profits, there was greatly increased pressure on available funds to generate new working capital, and dividends fell consistently throughout the year. To worsen matters, the major supplier of labourers, Mozambique, clearly revealed that early recruitment levels could not be maintained. It was the problem of the supply of African labourers that led Sir George Farrar, chairman of

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[19] There is a vast literature on the Transvaal 1902-7. Especially useful are: DJN Denoon, 'The Transvaal labour crisis, 1901-6', Journal of African History, 8, 3, 1967, pp. 481-94; A Jeeves, 'The control of migratory labour on the South African goldmines in the era of Kruger and Milner', Journal of Southern African Studies, 2, 1, 1976, pp. 3-29; A Jeeves, Migrant labour in South Africa's mining economy, pp. 3-84; P Richardson, Chinese mine labour in the Transvaal, pp. 1-46; and, P Warwick, Black people and the South African War, 1983, chapters 5, 7, 8, and 9.

the Anglo-French Group, to advocate the importation of Chinese labourers as a means of alleviating the shortage, to reduce working costs and ultimately, force down African wages.

Whilst in London, Lagden met JA Spender, editor of the Westminster Gazette, on several occasions and agreed to write to him, unofficially, his views on developments in the Transvaal.[20] The frequency of the letters suggests that he might have received some payment but I have found no direct evidence to substantiate this claim. Within the correspondence, apart from the expected comments on the war, there is much to suggest that Lagden clearly envisaged his position to be mainly responsible for regulating and stimulating the supply of African labour, primarily, though not exclusively for the mines.[21] However, the actual recruitment of labour, despite pleas from mining personalities, would be handled by a private independent recruitment company. Hence, his complete and unreserved support for the Chamber of Mines creation, the Witwatersrand Native Labour Association (WNLA) despite its increasingly obvious inability to meet the needs of the gold mines.

Soon after his arrival in the Transvaal, Lagden informed Spender that the goldmines required 100 000 African labourers to become fully operational and stressed that the recruitment and organisation of this labour demanded that "insular ideas should be banished and liberal views be extended throughout".[22] However, he was not specific about what he meant by this. Reiterating an article in the Westminster Gazette [7 August 1901], Lagden stressed that "If the Rand could not obtain labour after the War, the new colonies [were] bankrupt".[23] He emphasised that an "enlightened" Government required its people to "progress" and that this could only be achieved by the "banishment of

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20 Lagden Diary, 1901, entries for 15 May and 21 June.

21 Lagden Papers, Mss Afr S, 174, Lagden to Spender, 21 August 1901.

22 Ibid.

23 Ibid., 3 September 1901.

manners and customs repugnant to civilized thought" (presumably polygamy) even if this meant adopting "rough" methods. He warned that the mines were "straining and screaming" for an adequate supply of labourers.

This being the case, the African had to work. He needed to contribute to the "common weal" in return for the "protection" he would receive under British rule after the completion of the war. If the labour supply was sufficient, prospects for trade and mining were "rosy" [sic].[24] Lagden was adamant, in contrast to the views of many Transvalers, that the transformation of African society had to be gradual, but Africans would "justify [British] efforts to elevate them by entering themselves into the general comity, by working [and] by contributing a fair taxation".[25]

The shortage of African labour in the Transvaal in the months following the re-establishment of peace was understandable to Lagden.[26] On the one hand, Africans were "surfeited with money" derived from the military, also they were waiting for the country to settle down and for the cold winter weather to be over. These points, bemoaned Lagden, were not realised by the "multitudes" who had shown "too great [an] expectancy for a return to immediate prosperity on the heels of the declaration of peace". Considerable numbers of labourers could only be expected from October. This would be achieved by WNLA, hence, it was dangerous and undesirable to adopt "forcing tactics ... [as they would] recoil on those who attempted it". Logically, Lagden stated his opposition to the introduction of Chinese labour as the African could and should provide the required labour.[27]

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[24] Ibid., 25 October 1901.

[25] Ibid., 2-6 December.

[26] Ibid., 6 September 1902.

[27] Ibid., 12 October 1902.

In the following three months, Lagden's views changed considerably. He was convinced that neither the Transvaal nor South Africa had ever "expected or felt such economic discomfort".[28] As a result, when South Africa became "federated" there would be a "conscription of labour". Each able-bodied man would be expected to serve the state as a soldier and would be drilled accordingly. After having served a "certain period in the ranks and become efficient", he would join the reserves and be available, if and when called upon. The individual would have "no option". This would form part of the "education and development [by the State] of its children". The time would come when "black races would yield their contribution and be apprenticed for a time to labour in exchange for the fatherly protection and privileges" they enjoyed. In any case, reasoned Lagden:

> We, ourselves did not step from the 10th to the 19th Century without 900 years of gradual progress.

On the other hand, it had to be realized that the demand for African labour was over fifty per cent greater than prior to the war. This could be explained by works incidental to the war, development, railways, the army occupation, "abnormal" and "absurd" wage levels and the good wages paid for work at ground level. Hence, to overcome the shortage of underground labour, "my private opinion is that Chinese labour will have to come".

In further correspondence, he supported his change of opinion:

> If labour cannot be obtained locally and the alternative is to shut down the mines and choke enterprise, then level-headed men who are the trustees of the army of investors, must have a say in determining where the supply shall come from.[29]

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[28] Ibid., 1 January 1903.

[29] Ibid., 22 March 1903.

By mid-May 1903[30], Lagden argued that the "whole progress and development" of the Transvaal was "arrested" because white labour was too expensive whilst Africans were not "sufficiently available [from south of the Zambezi] unless ... compelled from want or law to work regularly". Therefore, if the debts of the Transvaal were to be paid and there was to be "progress", labour would have to come from somewhere. He was convinced that "the time would soon come when businessmen would determine upon having it, "from whatever source it offers".

Back in the Transvaal.

Lagden arrived in Johannesburg on 6 August 1901. The future Native Affairs Department (NAD), along with the Mines Department, was to be based there rather than in Pretoria because most of its work would be in Johannesburg. As Milner was to explain:

> no doubt the question of native labour on the mines will always be the most difficult of [Lagden's] duties, while the rest of his duties, which concern the natives on the farms, or in the ... districts, can be as easily controlled from one centre as from another.[31]

This was true but it also enabled the leading Rand financiers to have constant and immediate access to Lagden and exert subtle flattery and persuasion on him. It soon became common practice for Lagden to permit Rand financiers, and leaders of the Chamber of Mines, to study and comment on virtually all of his draft legislation and memoranda for Milner. This method enabled him to avoid needlessly antagonising the Chamber, but also to encompass their views and suggestions into legislation. This needs to be emphasised because Lagden was extremely susceptible to public criticism and was not trained in the drafting of

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30 Ibid., 17 May 1903.

31 Milner Papers, FK 1201, pp. 218-20, Milner to Chamberlain, 21 December 1901.

legislation. In any case, he agreed with most of the Chamber's suggestions.

On his first trip to Pretoria after his return to the Transvaal, Lagden met Sir Richard Solomon, the Attorney-General and former Cape lawyer of distinction.[32] It is evident that they became very friendly and regularly stayed with each other over weekeends. In addition, they were regular golf partners and discussed "work" after their game. Indeed, apart from the suggestions of the Chamber of Mines and the necessary approval of Milner, Solomon became a major participant in the formulation of African legislation. This was readily acknowledged by Lagden.[33]

Apart from Solomon, Lagden was most friendly with Wilfred Wybergh[34], the Commissioner of Mines. Apart from a mutual interest in golf, Lagden felt much grief for Wybergh on the sudden and unexpected death, from diphtheria, of one of his sons. Lagden was annoyed that most officials even ignored the child's funeral. He observed that "the world here is too engrossed to think of friendship or funerals".[35] Another leading personality appreciated by Lagden was the Chief Justice, Sir James Rose-Innes, a former Cape politician who had defended British rule of Basutoland in the 1890's. He was also a keen golfer and showed interest in African affairs. On one occasion, he unsuccessfully attempted to persuade Lagden to impose a relatively low rate of taxation on

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[32] Lagden Diary, 1901. There are frequent references to such meetings.

[33] CO 291/30, p. 9, `Memorandum by Sir Godfrey Lagden', 29 November 1901.

[34] Wilfred John Wybergh (b. 1868). Politician and mining engineer; member of Pioneer Column to Mashonaland 1890; engineer for Consolidated Gold Fields Company 1894-9; President of South African League (Transvaal); Commissioner of Mines and member of Legislative and Executive Council 1903; and, member of Transvaal Legislative Assembly 1907-10.

[35] Lagden Diary, 1902, 12 February.

Africans.[36]

A frequent visitor to Lagden's offices was Georges Rouliot[37], President of the Chamber of Mines and head of the Johannesburg offices of Wernher Beit. Rouliot and Strange[38], another leading personality in the Chamber, were the influential mining figures consulted by Lagden. His diaries show that long private conversations were held with Rouliot and Strange, especially on Sundays, prior to important meetings with the Chamber or Milner so that differences could be sorted out and common approaches decided on. Lagden considered this approach to be satisfactory and successful. However, as Alan Jeeves has pointed out[39], it did have serious drawbacks especially when cases of abuse or flagrant breaking of agreements occurred. He had to rely on the good offices of leading companies to take action. The Robinson group were particularly guilty of not implementing determined policy.[40] If any member of the Milner Administration could be described as being in the hands of the Chamber, it was, as Izwi Labantu[41] accused, Lagden. However, relations were not always friendly and cordial. During the delicate negotiations leading up to the signing of the modus vivendi with Portugal, Lagden and Strange had an "explosion" but this was later cleared "for satisfactory working in the future".[42]

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36 SNA 11/442/01, Lagden to Rose-Innes, 31 October 1901.

37 Dictionary of South African Biography,V, 'Georges Rouliot', M Frazer, pp. 664-5.

38 Howard Strange later became President of the Chamber of Mines in 1904. Between 1901-3 he was the manager of the Witwatersrand Native Labour Association.

39 Jeeves, 'Control of migratory labour', p. 15.

40 Ibid., p. 18.

41 Izwi Labantu, 20 March 1906.

42 Lagden Diary, 1901, 14 November.

Lagden's cooperation was noted by the Chamber:

> we gratefully acknowledge the principal which Sir Godfrey Lagden has observed - namely, that of directing promptly to us, and not afterwards at us, and we are indebted to him for many hints and instructions which a less genuinely interested official might perhaps have reserved for the purposes of comment in reports.[43]

Rouliot was appreciative of Lagden's attitude:

> it has been a pleasure to me to discuss matters affecting our two departments with such an enlightened mind as yours and I have to thank you most heartily for the assistance which you have always given me.[44]

Lagden's relations with Milner were tense through to the signing of the peace in May 1902. He never became reconciled to receiving a lower salary than Solomon and Fiddes, and became convinced that Milner regarded Native Affairs as one of the less essential aspects of government. However, as in the past, there is no doubt that Lagden grossly exaggerated Milner's lack of concern and interest. The martial law conditions prevailing in the Transvaal throughout 1901 irked Lagden because he was frequently ignorant of the latest developments and regularly unaware of Milner's movements.[45] On 14 September 1901 Lagden managed to arrange a meeting with the High Commissioner about his "private grievance". Milner declined to increase Lagden's salary which caused him to accuse Milner of being "indifferent" to his interests. He considered Milner was "unwise" to place him "with the lower stratum of the Heads of Department, thus dishonouring the position I hold in relation to the great Native problem". He could not, he confessed, take up his "proper position with inadequate pay". When

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43 Transvaal Chamber of Mines, Annual Report, 1902, pp. XL-XLI. FitzPatrick was in the chair.

44 Lagden Papers, Mss Afr S, 210/2/8, Rouliot to Lagden, 5 April 1902.

45 Lagden Diary, 1901, 4 September.

Milner replied, he defended his "quite unparalleled record of success"[46] in obtaining high salaries for his officials and desired to warn Lagden that there were likely to be problems over the NAD budget, hence his opposition to increasing Lagden's salary.[47] However, he was pleased with Lagden's efforts and informed Chamberlain that Lagden had managed to cover a "surprising amount of ground".[48]

Later, when Milner was preparing despatches for Chamberlain to use in his speech at the opening of Parliament in January 1902, he requested Lagden to provide him with some notes on policy.[49] When the despatch was finally sent off, Lagden wryly noted that it merely contained "the views concerning which he [Milner] has entirely cribbed from what I [gave] him".[50] Milner, however, as will be shown, made it very apparent that Lagden was the real source of the despatch.[51] A few days later, when Milner was feeling rather ill, he sent for Lagden and openly discussed the serious problem of work that he faced and confessed that it was impossible for him to handle it all alone. Lagden was convinced that Milner was likely to "collapse" under the strain.[52] He remained unreconciled and eventually decided to suggest to Milner that he should be allowed to retire "on a liberal allowance".[53]

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46 Lagden Papers, Mss Afr S, 210/2/8, Milner to Lagden, 28 September 1901.

47 Ibid.

48 Headlam, Milner Papers, II, p. 315, Lagden to Chamberlain, 6 April 1902.

49 Lagden Diary, 1901, 23 November; and, Lagden Papers, Mss Afr S, 210/2/3, 'Memorandum by Commissioner of Native Affairs, 23 November 1901'.

50 Lagden Diary, 1901, 7 December.

51 SNA 11/442/01, p. 2, Milner to Chamberlain, 6 December 1901.

52 Lagden Diary, 1901, 10 December.

53 Ibid., 1902, 16 January.

Milner, whilst recognising Lagden's value, was by this stage rather tired of him and inquired of Ommaney at the Colonial Office if it were possible to remove Lagden from the Transvaal.[54] He reminded Ommaney that Lagden had a "somewhat inordinate conception" of his own importance. "But he [was] a good man ... And he is tackling the difficult Native Problem here with ability and energy ... If we could give him a retiring allowance wh[ich] would satisfy him (no easy matter) and he left the Government service, without a grievance, that would, in [Milner's] position, be the best thing".

It would appear that Milner's relations with other members of the Executive Council in early 1902 were rather strained. According to Lagden, "Laws were passed without consideration or debate" and he believed it to be "a sort of one man rule out of touch with the great Government machine".[55] Certainly, Milner vetoed Lagden's proposal, supported by all the Executive Council, for a housing allowance of at least £300 per annum.[56] Nor did he favour a special allowance for Lagden because of his responsibility for "troublesome" Indian affairs.[57] However, this did have some positive results. He was to be relieved of Indian affairs and if he wished to go on retirement, he would receive a pension of £800 per annum from Basutoland. However, if he remained, and Milner stressed, "I shall be personally glad if you do not retire", Milner would recommend that his personal allowance be increased by £500 to give him £3 000 per annum, "but, at that point, I stick".[58] After this, one would have expected Lagden to be reasonably satisfied, but in early May, he noted in his diary:

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54 Milner Papers, FK 1171, pp. 41-2, Milner to Ommaney, 25 January 1902.

55 Lagden Diary, 1902, 7 February.

56 Ibid., 24 February.

57 Lagden Papers, Mss Afr S, 210/2/8, Milner to Lagden, 11 April 1902.

58 Ibid.

> We [Lagden and Solomon] are both much depressed because of the want of sympathy between us and Lord Milner. He is not, apparently, interested in our opinions and work. Consequently, we feel little interest or loyalty to him and his work.[59]

Matters only worsened when Lagden received an "unsettling" despatch about the proposed removal of the the NAD to Pretoria.[60] By now, his new house, started on 10 February 1902, was well advanced in construction.

The construction of Lagden's house was to cause both FitzPatrick and the Milner Administration considerable embarrassment. Whilst in London, Beit had promised Lagden assistance in obtaining a suitable home in Johannesburg. Evidently, Lagden demanded far more from Wernher Beit than was promised. This caused FitzPatrick to speak to both Perry, the Political Secretary, and Milner, over Lagden's demands not only for the house but for furnishings too. In FitzPatrick's opinion:

> we [Wernher Beit] have only succeeded in giving [Lagden] an idea that he has a claim and our problem is to keep within the limits of civility ... and yet not make him discontented with the place and perhaps even hostile to the industry.[61]

Despite his opposition to the idea, and the precedent that Lagden was creating, FitzPatrick deemed it best to continue to assist Lagden because:

> He is first class in his work but quite ruthless in his determination to get all he can get out of us ....[62]

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59 Lagden Diary, 1902, 6 May.

60 Ibid., 23 May.

61 A Duminy and W Guest (eds), FitzPatrick South African Politician: Selected Papers 1888-1906, Doc. 141, FitzPatrick to Wernher, 2 March 1902, pp. 301-2; and, Doc. 142, FitzPatrick to Wernher, 2 March 1902, pp. 304-6.

62 Ibid., Doc. 146, FitzPatrick to Beit, 12 April 1902, pp. 311-2.

Soon after peace was signed, Lagden was in Pretoria and spent a "pleasant hour" with Kitchener.[63] This is rather surprising as, on 8 December 1901, Lagden was greatly annoyed that Kitchener had been "meddling" in Native Affairs and wanted to restrict the movements of African labourers at the mines unless in possession of a pass. However, Milner's rivalry with, and jealousy of, Kitchener probably explains much. Lagden had informed Spender, in March 1902, that Kitchener was only concerned with finishing the war and was "not sympathetic" towards industrial development which he could "delay and defeat" because of his control over the railways. Milner, on the other hand, wished to speed up development and had "put all his money in the policy of development".[64]

One further point must be made. There is no evidence to indicate that Lagden was in any way annoyed by Milner's failure to consult him during the peace negotiations over "native" policy. Such matters were, in fact, discussed by Lagden in letters to Spender. In one he noted that there should be no interference with "existing Kaffir law" until representative Government dealt with it. He stressed that "the Kaffirs must not be pampered, though given justice and fair treatment, otherwise the country [would] be flooded with uncivilized vagrancy and insolence".[65] In the second, he made the statement that he was "not informed of what passed between the [Boer leaders] and Lord K[itchener]".[66] He also noted the necessity to reinstate the Dutch farming population to the land and that "much depended on the handling of the 'native problem'".

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[63] Lagden Diary, 1902, 6 June.

[64] Lagden Papers, Mss Afr S, 174, Lagden to Spender, 16 March 1902.

[65] Ibid., Lagden to Spender, 2-6 December 1901.

[66] Ibid., Lagden to Spender, 20-26 April 1902.

Formulating a "Native Policy".

Once Lagden had settled into his offices in Johannesburg, and organised local offices in Pretoria and Germiston[67], he became involved in drafting legislation in anticipation of the mines returning to normal production. As hostilities were assumed to be winding down, the mining magnates were anticipating an influx of African workers from the northern Transvaal and Mozambique, once negotiations with Portuguese officials had been concluded. However, at this juncture, effective British control in the Transvaal was restricted to the major mining centres and Pretoria.[68]

The London-based Aborigines Protection Society (APS)[69], along with associated bodies such as the Anti-Slavery Society and the South African Native Races Committee[70] had, throughout the war urged the Colonial Office to formulate a policy for the Transvaal and Orange River Colony in which "equitable treatment of the Native will be its first consideration".[71] Taking Chamberlain's 1899 speech to the Commons[72], when he thundered that the "treatment of Natives in the Transvaal had been disgraceful" as being sincere, and not war-time propaganda, the APS urged an "equitable and satisfactory policy" towards Africans and the need for "effective precautions ... [to be] taken against the tolerance of evils" that had emerged in Rhodesia. It was particularly concerned with the public influence that the Randlords might have on government policy.

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67 Lagden Diary, 1901, 10 August.

68 Lagden Papers, Mss Afr S, 174, Lagden to Spender, 16 March 1901.

69 This grouping of Associations was commonly referred to as Exeter Hall after the place of their meeting.

70 CO 291/33, FK 924, pp. 77-90, Fox-Bourne to Chamberlain, 11 January 1901.

71 Ibid.

72 Ibid.

Great alarm was raised at a speech in London, by Lord Harris[73] of Consolidated Goldfields of South Africa, in which he urged the Transvaal Administration to ensure the "equitable distribution" of African labour to all mines linked with the Chamber by abolishing the system of individual recruiting. This would, Harris reckoned, provide the "best protection for the boys [African labourers]". Further, with regard to the Pass Law and supply of liquor,it was hoped that the present Government, unlike Kruger's, would not frustrate the efforts of the mine managers, and would do all it could to assist them in securing the observance of the law, and prevent attempts to encourage "the boys to break their contracts". The APS feared that the Government would assume responsibility for the recruitment of African labour, and thereby "force" labour onto the mines. This would mean "subordinating the legitimate interests of the Natives to the alleged requirements of European employers".[74] This viewpoint was also subscribed to by John Hobson, author of Imperialism. A study.[75]

The APS drew special attention to the Zoutpansberg district of the Transvaal, home of nearly half a million Africans.[76] Here it advocated a "Basutoland type" of administration, "so signally successful ... since its establishment as a Crown Colony in 1884". It advocated a subdivision into administrative units and a "generous" number of officers. Self-government should be permitted in all local concerns and institutions such as land tenure and tribal administration should not be forcibly interfered with. Also, there should be no labour coercion and taxation should be based on covering the actual costs of administration. With regard to Africans on white-owned farms, the APS urged they be "reprieved from oppressive arrangements which have kept

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73 The Aborigines Friend, p. 123, January 1902.

74 Ibid.

75 JA Hobson, Imperialism. A study, p. 281.

76 CO 291/33, FK 924, pp. 77-90, Fox-Bourne to Chamberlain, 11 January 1901. The favourable reference to Basutoland was probably made because the APS knew of Lagden's appointment as Transvaal's Commissioner of Native Affairs.

them ... in a servile condition ... [because] it was difficult, if not impossible for them to obtain such legal protection from tyrannical masters". Equally, pass laws were only justifiable when they facilitated African travel within the Transvaal.

Lagden and Milner responded to the views of the APS in November and December 1901 after the first batch of legislation concerning Africans had been promulgated. In a typically unrestrained outburst, Lagden clearly revealed his inner fears. Milner, whilst admitting that he agreed with the sentiments expressed, decided to censor Lagden's remarks but permitted them to be despatched separately and confidentially to the Colonial Office:

> it is realised [by the Africans of the Transvaal] that the white belligerents have been nervous of Native intervention - indeed have feared it might deflect the course of the war - and have further been dependent largely upon Native help whether for scouting or other purposes, for supplies, or for refuge. The coloured races cannot also have failed to mark with grim satisfaction, the depletion, in the eyes of the contending forces and are ready to take advantage of the general confusion to gain points. Finally they recognise fully that, after the war, Commerce, Industry and Agriculture will be dependent upon them for labour.[77]

Small wonder that Lagden stressed the "paramount importance" to exercise a "firm control" over Africans and the need to establish "sound relations" between them and the European population.[78]

Lagden believed the republican laws to be "sound and useful", hence it was unnecessary to suggest "any violent legislative changes". Indeed, there was "more to be gained by effective administration than by

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[77] CO 291/30, FK 908, p. 134, quoted in Walrond to Colonial Office, 29 November 1901.

[78] Ibid., pp. 2-3, 'Memorandum by Sir Godfrey Lagden, 29 November 1901'.

violent legislative changes" which, in any case, "confuse the Native mind and disturb the general community".[79]

Although Milner chose to emphasise the "evil of the old system" with its "confusion", "demoralization" and "injustice to Natives and the loss to employers" which made the mining areas of the Transvaal a "crying scandal" and a "constant source of complaint", he believed the purpose of the new legislation to be the improvement of the laws and their sound and honest administration. Most important, was the desire "to improve the character of the men having the most intimate dealing with the Natives" and to ensure to Government "an effective control".[80]

Milner also saw fit to dismiss much of the APS criticism and claimed that he could not "too earnestly protest" against the "unjustified suspicion and almost ... hostility".[81] Colonial sentiment was especially valuable as it realised the "heavy responsibility" involved in the governing of a vast African population and the raising of it in the "scale of civilization". He admitted that his Administration, in framing the measures, had received:

> the benefit of the advice of leading colonists, thoroughly familiar with the intricacies of the Old Pass Law and with the regulation of Native labour.[82]

Lagden's diary reveals this clearly. For instance, "engaged all day in conference with Chamber of Mines discussing my proposed laws. It was a successful day and very, I hope, fruitful and good"; "engaged with new regulations - Strange"; and, "Busy with Nourse and comparing Solomon's

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79 Ibid.

80 SNA 11/442/01, pp. 6-7, Milner to Chamberlain, 6 December 1901.

81 Ibid., pp. 3-4.

82 Ibid., pp. 18-9.

Draft with mine".[83] Diary entries also indicate the tremendous amount of assistance Lagden received from Solomon, invariably after a round of golf.[84]

The Pass Law.

The Native Passes Proclamation, no 37 of 1901[85], originally applied to the Labour Districts but was amended in June 1903 to apply to all of the Transvaal.[86] It was drafted to regulate the entry and return of African labourers on public diggings. Within the defined Labour Districts, Inspectors of Natives were to be appointed who would investigate and redress any grievances complained of by Africans employed at the mines. Also, they would investigate all breaches of discipline and any matters or disputes of a civil nature involving Africans.

The General Pass Regulations were very specific. All Africans travelling within the Transvaal required a pass issued by an authorised Pass Officer whilst those travelling within their district of residence required a permit or note issued by their employer or a Government official. All Africans seeking work required an Official Travelling Pass. The Commissioner of Native Affairs possessed full authority and discretion in every case to order that a pass should be issued or refused.

The Regulations for Labour Districts required every African, within a Labour District, to possess a pass for the duration of his service. This would clearly indicate his complete record of employment as well as identify the holder and his movements. If any such African needed to

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83 Lagden Diary, 1901, entries for 18 and 24 September and 10 October.

84 Ibid., 7, 21 and 22 September, 1 and 12 October and 30 November.

85 CO 291/30, FK 908, pp. 106-13. The full text is printed in Cd 904, pp. 29-37.

86 CO 291/54, M 441, Milner to Chamberlain, 1 June 1903.

travel beyond his town of residence, he required a special permit from his employer which needed to be dated, record the destination of the journey and be valid for three days. The maximum duration for a contract was 313 working days.

Any African who entered into the service of another employer whilst still under contract would, if convicted, receive a fine of £10 or three months imprisonment before completing their contract. Any employer who engaged an African already contracted was liable to a £50 fine or six months imprisonment. Similar action would be taken against any person guilty of forging, imitating or altering any pass, who would be fined £50 or receive six months hard labour.

Both Milner and Lagden made revealing remarks about the Pass Laws. To Milner, the "root idea [of the Pass Laws] ... was not a bad one" as it was necessary for the protection of both Africans and whites.[87] It was essential to have some "reasonable arrangements" by which incoming Africans could be identified and their movements traced. However, he objected to the past "abuses connected with it and especially the irregular exactions" which often compelled him to work for the Field Cornet before he could obtain his pass. This would be stopped by the British. Further, the single pass "provided an almost perfect means of identifying" the African. Finally, in the event of contravention of the law, there was an option of a fine or jail sentence, but no flogging. Lagden claimed that the new proclamation provided "genuine freedom of movement".[88] Further, as he explained to Spender:

> the difference between the Republican Government and ourselves is that we are bound to do more than make laws - this is - to carry them out conscientiously ... More, in fact, depends upon honest and vigorous administration, than upon the letter of the law.[89]

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87 SNA 11/442/01, pp. 7-11, Milner to Chamberlain, 6 December 1901.

88 CO 291/30, p. 3, FK 908, `Memorandum by Sir Godfrey Lagden, 29 November 1901'.

89 Lagden Papers, Mss Afr S, 174, Lagden to Spender, 5-10 January 1902.

Fox-Bourne, the Secretary of the APS, was not so certain.[90] He suspected that the "greatest and constant vigilance" would be required by the Inspectors to prevent abuse of the stipulation that the "Native shall have actually worked for such 313 days" and the "indefinite prolongation of the terms of service in conveyance of temporary non-employment through causes for which the Natives may not be responsible" such as illness or injury or breakdown in mining operations. Also, he anticipated that the "compound system ... will call for no less vigilance in securing for the Natives the reasonable liberty and protection from fraud and ill-treatment to which they are entitled". Much recent scholarship has justified his concern.[91]

Despite the clarity and thoroughness of the proclamation, the Pass Law failed during the reconstruction period. Apart from the horrific working and living conditions experienced by many Africans, such was the shortage of labour and the need to recruit additional labour, that labour agents - "touts" - enticed many workers to work on other mines. Desertion was the safest and most logical means of avoiding the grim conditions widespread on the Rand and prevalent misrepresentations of wages and service conditions.[92]

Labour Agents and Compound Overseers.

The Labour Agents' and Compound Overseers' Proclamation, no 28 of 1901[93], was designed to regulate and control the procuring and

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90 CO 291/50, FK 1009, pp. 153-61, Fox-Bourne to Chamberlain, 22 January 1902.

91 Jeeves, 'Migrant labour'; Warwick, Black people; and, Denoon, 'Transvaal labour crisis'.

92 Jeeves, 'The control of migratory labour', passim.

93 CO 291/30, FK 908, pp. 114-19. The full text is published in Cd 904, pp. 40-2.

engagement of Africans to do work or labour within the Transvaal as well as to regulate the issue, suspension and cancellation of licences to persons desiring to be Labour Agents and Compound Overseers.

Labour Agents required a licence, issued by the Commissioner of Native Affairs. The application for such a licence required a list of the places where recruitment was to be conducted, the names and locations of African chiefs of the areas as well as details of travel routes to be used. Any Agent convicted of a crime and imprisoned by a Court of Law or convicted of any contravention of any regulation relating to African labour or passes, was liable to have his licence cancelled or suspended. Contracts with Chiefs of Headmen to provide labourers would be invalid whilst any deliberate misrepresentation of terms or conditions of employment would result in the cancellation of the licence as well as a fine or imprisonment.

Compound Overseers required a licence issued by the Commissioner of Native Affairs. This would be cancelled if the Overseer was convicted of contravening any regulation relating to labour or passes. It would be incumbent on the Overseer to ensure that there were no African labourers in his Company or Compound not in possession of the Registered Labour Passport. Further, he would afford to all Inspectors the facilities to interview Africans and examine all books and accounts.

Milner had much to say on this in his despatch of 6 December 1901.[94] He argued that the "worst evils" of the old system were due to the existence of an "irresponsible class of labour touts" and to the "unscrupulous proceedings" of Compound Managers in trying to "steal" labourers from one another. The main features of the new system would be that the contract was voluntary, that the labourer was fully aware of the conditions, and that he would receive what was promised in the contract. The appointment of Inspectors ensured a system of supervision to both African and employer and thereby, "an easy means of redress for

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[94] SNA 11/442/01, pp. 8-10, Milner to Chamberlain, 6 December.

breaches of contract", as well as power for redressing grievances through "limited jurisdiction". This would help combat desertion which was the "result of temptation by unprincipled Europeans". Optimistically, Milner added: "I rely more upon the spirit of cooperation amongst employers themselves".

Lagden stressed similar points. In the past, labour recruiters were "unprincipled and irresponsible and their influence was injurious".[95] In future, only persons of reputable character and acceptable to the authorities, would be permitted to recruit under "stringent regulations". Indeed, the "iniquitous touting system with all its abuses" was expected to die. Further, he believed that the labourers should "feel certain" that in cases of dispute of grievance, "they always have an impartial forum to appeal to".[96]

Coloured Exemptions.

The Coloured Persons' Exemption Proclamation, no 35 of 1901[97], was drafted to relieve certain coloured persons residing in the Transvaal from the operation of the laws relating to passes and other laws. The term "coloured" in this context clearly related to Africans but as certain "Cape Coloured" persons could be mistaken for Africans, they were eligible, for convenience, to apply for such an exemption. Indeed, the title of the ordinance was misleading as the legislation was meant to apply to Africans.

Those eligible for exemption included any ordained coloured Minister of a recognised denomination, any coloured person with a certificate qualification as an elementary teacher and any coloured person who exercised a profession or trade. Clearly, the ordinance applied to a

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95 CO 291/30, FK 908, pp. 4-5, 'Memorandum by Sir Godfrey Lagden, 29 November 1901'.

96 Ibid., p. 5.

97 CO 291/30, FK 908, pp. 120-1. The full text is printed in Cd 904, pp. 42-4.

very small and elite group of people. If accepted by the Commissioner of Native Affairs, they would be granted a Letter of Exemption relieving them from the operation of the Pass Law and other laws, providing they took an oath of allegiance. However, all persons issued with a Letter of Exemption were required to carry it and produce it at the request of any policeman or Pass Official. Failure to do so would lead to a conviction with the option of a fine or imprisonment. It was, however, within the power of the Commissioner of Native Affairs to refuse an application for exemption, if he found "sufficient" reason to do so.

Milner argued that it was the intention to exempt people with a high degree of civilization and separate them from the mass. Therefore, it was necessary that the law should apply to coloured persons as a body. It was "not desirable nor practicable" for the Pass Officer or policeman to distinguish between one coloured man and another. Therefore, the Commissioner of Native Affairs had the power to grant certificates of exemption as appeared necessary, irrespective of race. It was the intention, to interpret this concession "liberally".[98]

Later, through the Native Relief Act, no 28 of 1902[99], Solomon defined the word "Native" to be:

> any male person over 14 years belonging to the aboriginal tribes of Africa south of the Equator and every male person, one of whose parents belonged to such a tribe,

so as to relieve certain respectable and deserving Africans from the operation of the Native Pass Laws.

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98 SNA 11/442/01, p. 17, Milner to Chamberlain, 6 December 1901.

99 CO 291/43, FK 978, pp. 517-25, 'Report of Transvaal Legislation. No 28 of 1902', Sir R Solomon, 1 October 1902.

In an accompanying memorandum, Lagden claimed that the law was a "measure of relief" to those of "purely aboriginal extraction who are of superior class" and were engaged in some kind of business or skilled labour and who would "suffer inconvenience" from the restrictions of the Pass Law.[100] He considered it to be a "useful concession of much benefit for a deserving class of people". For the Coloureds, it was purely optional. Hence, "Coloureds" did not require exemption but it would be better for them to have one.

The Aborigines Friend believed the exemption to be "certainly an improvement [but] in effect, [was] only a superior kind of pass".[101] It also noted that no attempt was made in the 1901 proclamation to define the very vague term "coloured person". This could easily lead to abuse. Whatever the definition, Fox-Bourne argued, there was a risk of "undersigned difficulties and hardships, revolting to many from their being forced to obtain letters of exemption" in the Transvaal. It would be a "badge of inferiority, prejudicial to those required to obtain them" and needed to be dispensed with as soon as possible.[102]

Despite wartime promises by Milner that Coloureds would receive political rights in the Transvaal and Orange River Colony under British rule[103], the Treaty of Vereeniging prevented any people of colour from gaining the franchise. Further, it did not differentiate, in practice, between Coloureds and Africans. Indeed, Coloureds found themselves subject to virtually all the laws that discriminated against Africans.[104] That they were subject to the Liquor Law was directly

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100 Ibid., 'Memorandum by Sir Godfrey Lagden, 8 October 1902'.

101 The Aborigines Friend, p. 123, January 1902.

102 CO 291/50, FK 1009, pp. 153-61, Fox-Bourne to Chamberlain, 22 January 1902.

103 Warwick, Black people, p. 111. For a recent study of 'Coloured' history, G Lewis, Between the wire and the wall. A history of South African 'Coloured' politics.

104 Lewis, Between the wire and the wall, p. 15.

due to Lagden.[105]

Apart from receiving delegations from the African Vigilance Association[106], which agitated for the exemption from discriminatory legislation and the African People's Organisation, Lagden does not appear to have concerned himself with Coloured affairs. He did support the proposal in the Legislative Council that Johannesburg's City Council be colour blind, but here he merely followed the official line.[107] Indeed, apart from agreeing that "respectable" Coloureds should apply for exemption certificates to avoid "embarrassment", he did little to espouse their cause.[108]

The Liquor Law.

The fourth piece of legislation was the Proclamation to Amend Law 19 of 1898 (Liquor Law).[109] It was entirely the work of Solomon. Its function was to prohibit more effectively the sale of intoxicating liquor to coloured persons. It stated that no person shall sell, barter or otherwise supply to any coloured person wine, spirituous or malt liquor, methylated spirits or spirits of wine or any other intoxicating brew or mixture except for medicinal purposes. The ordinance applied to both Coloureds and Africans.

Drunkenness had been a major problem for the mines before the war and was regarded as being the primary cause of absenteeism of workers.[110]

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105 Lagden Papers, Mss Afr S, 210/2/7, Lagden to Milner, 20 October 1901.

106 Lewis, Between the wire and the wall, p. 16. The African Vigilance Association was formed by Africans in the Transvaal to agitate for the exemption of 'Coloureds' from such measures as Pass Laws.

107 Rand Daily Mail, 4 June 1903.

108 Lewis, Between the wire and the wall, p. 35.

109 CO 291/30, FK 908, pp. 121-2. The full text is printed in Cd 904, pp. 44-5.

110 SNA 11/442/01, Milner to Chamberlain, 6 December 1901, pp. 12-5.

Such was the prevalence of drunkenness that Milner believed the suppression of the illicit liquor trade to be the "greatest benefit" that the Government could confer.[111] The proclamation had taken over the principles of total prohibition in the legislation of the late Government. The only differences being that the penalties were more severe and that there was no option of a fine for offenders. He believed that the suppression of the illicit liquor trade would be a "severe struggle" as its proponents were "most powerful agencies [seeking] to make money by the corruption of one's fellow creatures".

Lagden was paternal to the extreme.[112] He described the amendment as a "measure calculated to do justice to the Native population who do not know what is bad for them and have not the strength of character to withstand temptation". He was pleased to report that the amendment was already taking effect and that the "Liquor traffic with Natives was being rapidly suppressed under the new ordinance".[113]

The Aborigines Friend, after outlining the proclamations, pronounced the arrangements as being "satisfactory" and noted Milner's telegram to Chamberlain, on 11 December 1901, pointing out the attempts to "reconcile the protection of Natives with the avoidance of forced labour". Also, whereas the former legislation had treated the African as a "slave", the new regulations treated him as a "child".[114] This was largely as the result of Lagden's efforts. He had emphasised to the Colonial Office that the Administration:

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111 Ibid., p. 12.

112 CO 291/30, p. 7, FK 908, 'Memorandum by Sir Godfrey Lagden, 29 November 1901'.

113 Lagden Papers, Mss Afr S, 174, Lagden to Spender, 5-10 January 1902.

114 The Aborigines Friend, p. 123, January 1902.

felt its responsibility to the black races. [But] it was necessary to make due allowance for their ignorance, defects and informities and to provide for their equitable treatment and management.

A later explanation to Spender is illuminating. He argued that he had tried to preserve for the African what was good and just; also, "to prevent his getting what is bad for him and to remove from him the temptation which he cannot resist: to cultivate industry on his part: to prevent him from becoming an habitual idler and vagabond".[115]

Even though the ordinances had been promulgated, before being submitted to the Colonial Office, because Solomon and Lagden were strongly of the opinion that no time should be lost before their implementation[116], permanent officials were remarkably complimentary. Lambert believed "generally speaking, they seem to be excellent pieces of legislation"[117] whilst Just noted on Milner's communication to Chamberlain: "Despatch excellent both in tone and substance".[118]

It was left to Fox-Bourne to point out that the "early proclamations [left] untouched, several questions of pressing importance".[119] For instance, the taxation of Africans as a legitimate source of revenue or as a means of forcing them into the labour market. In commenting on the legislation, he pointed out to Chamberlain that there needed to be a regulation of Africans in outlying parts of the Transvaal. Such people "deserved the full protection of [their] interests as existed in

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115 Lagden Papers, Mss Afr S, 174, Lagden to Spender, 5-10 January 1902.

116 CO 291/30, FK 908, p. 136, Milner to Chamberlain, 29 November 1901.

117 Ibid., Note by Lambert, 30 December 1901, p. 130.

118 CO 291/50, FK 1010, pp. 254-61, Fox-Bourne to Chamberlain, 7 February 1902; and, CO 291/29, FK 909, p. 289, Note by Just, 30 December 1901.

119 CO 291/50, FK 1010, pp. 254-61, Fox-Bourne to Chamberlain, 7 February 1902.

Basutoland". The APS looked forward to the appointment of competent Native Commissioners in Zoutpansberg and elsewhere. However, it was concerned about Lagden's statement that Africans were "not taxed in proportion to the benefits conferred upon them" especially as Milner had assured the APS that there would "no unnecessary interference" and "no compulsion in procuring labour". Further, additional land was required in the Zoutpansberg. With regard to Africans on farms, there was a need for regulations that would relieve Africans of the "legal and social disabilities [as] imposed under the S[outh] A[frican] R[epublic]" and that the "opportunities for acquiring the rights of citizenship will not be less than those within reach of other Natives in the Cape Colony".

The Modus Vivendi of 1901.

Whilst concerned with the above legislation, Lagden had been deeply engrossed in negotiations with the Chamber of Mines and Portuguese officials over the modus vivendi agreement of 1901.

Labour recruitment for the goldmines had developed into a major problem in the 1890's, especially after the development of deep-level mines.[120] As early as 1890 the Chamber of Mines believed that private enterprise had failed to organise and maintain the supply of African labourers. Despite the promulgation of a Pass Law in 1896 and the imposition of a Master and Servants Act to handle breaches of labour contracts, the Rand Native Labour Association (RNLA); founded by the Chamber to monopsonize African recruitment had failed. This was partially due to inter alia the reluctance of the Kruger government to enforce the Pass Law, the `theft' by various mines of each others labour and the conditions at mines and compounds. To compensate for the grave shortage, "touts", private labour agents, resorted to bribing chiefs and headmen to coerce their tribesmen to enter into labour contracts.

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[120] Jeeves, `The control of migratory labour', pp. 8-16.

As noted in the previous chapter, representatives of the Chamber in Cape Town had requested Lagden to recommend that the State assume responsibility for mine labour recruitment.[121] Nevertheless, the Chamber proceeded, with Lagden's approval, to form the Witwatersrand Native Labour Association (WNLA) to replace the RNLA, to recruit in South Africa and Mozambique. Lagden believed that if "touts" were eliminated, and WNLA was headed by responsible men and worked under Government regulation and approval, the required labour would be forthcoming.[122] However, as Alan Jeeves has demonstrated, support for WNLA by some of the mining groups was not as strong as required.[123]

Before the outbreak of war, Mozambique had provided approximately 75% of the mines unskilled labour needs. Obviously, this supply was severely disrupted by the outbreak of war. The rapid restoration of this supply was a major factor if the mines were to resume production at a meaningful level. As Lagden's diary indicates, he was frequently questioned about Mozambican labour.[124] A major factor in obtaining labour from Mozambique was the attitude of local Portuguese officials. The Chamber pointed out to Lagden that whatever agreement was concluded, there would have to be some bribery.[125] Initial reluctance and hesitancy on the part of the Portuguese Consul-General in Lourenco Marques caused Milner to telegraph Chamberlain that the Consul-General claimed that he had no authority to negotiate for African labour recruitment.[126] As there could be "no considerable resumption" of mining without labour from Mozambique, he requested that "slight

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121 Lagden Papers, Mss Afr S, 174, Lagden to Spender, 1 January 1903.

122 Ibid.

123 Jeeves, 'The control of migratory labour', pp. 20-2.

124 Lagden Diary, 1901, entries for October; and, Lagden Papers, Mss Afr S, 210/2/7, Lagden to Milner, 17 September 1901.

125 Lagden Papers, Mss Afr S, 210/2/7, 'Conference. Portuguese Labour', 22 October 1901; and, ibid., Mss Afr S, 174, Lagden to Spender, 25 October 1901.

126 CO 291/29, FK 903, p. 196, Milner to Chamberlain, 27 September 1901.

pressure" be applied in Lisbon.

Despite warnings from Just that Milner be advised against agreeing to any arrangement that might make the Government responsible for the supply of labourers from Portuguese territories, and that the subject of African labour could not be settled without due regard to public opinion in Britain and Parliament, Chamberlain had no hesitation in requesting the Foreign Office to "press the Portuguese Government - as Milner requested".[127]

Lagden's role in the modus vivendi negotiations should not be overstressed but it was of considerable importance. Basically, he endeavoured to bring the Administration as close as possible to the Chamber. His role appears to have been to convey negotiations approved by Milner to the Chamber and presenting their views and objections as politely and firmly as possible to Milner. In this, he made extensive use of his friend, Georges Rouliot. Between October 22 and 27, Lagden held eight separate meetings on Portuguese labour negotiations[128] but labour was only part of the negotiations. The Portuguese were anxious to extract the maximum advantage out of the deal as regards customs dues and trade. The crucial importance of Mozambique labour, along with the great desire of Milner's Administration to get the mines fully operational, enabled the Portuguese to extract a most advantageous agreement.

Lagden convened the first conference on Portuguese labour on 22 October 1901 when he met Chamber representatives with Perry of WNLA and Windham[129], the Secretary of Native Affairs (SNA). They discussed the proposals accepted by the Governor-General of Mozambique and Crewe, the Transvaal Consul-General in Lourenco Marques. Initially, the Transvaal

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127 Ibid., Note by Just, 11 October 1901; and, note by Chamberlain, 11 October 1901.

128 Lagden Diary, 1901, entries for October.

129 Lagden Papers, Mss Afr S, 210/2/7, 'Conference. Portuguese Labour', 22 October 1901.

offered to pay the Portuguese 45 shillings per 'boy' presented at Komatipoort. The Chamber anticipated a need for 5 000 per month for six months. In return, they were prepared to offer the Portuguese the benefit of the most favourable tariffs, one goods train per day from the Transvaal, facilities for easy access to Transvaal coal, as well as permission to sell cheap Portuguese wine on the mines.

The Chamber had severe reservations. It was prepared to pay the Portuguese 30 shillings per labourer recruited by WNLA, employing Portuguese sub-agents if necessary, and it rejected that there should be liquor of any description involved. Furthermore, the 30 shilling fee needed to be discussed. The Chamber advocated 20 to 25 shillings as being "more acceptable" to them, especially as the Portuguese would have no costs to meet. A further problem was that the Chamber opposed the quoting of specific numbers of recruits as they believed there to be 80 000 labourers "anxious to come". Any excess over the stated 30 000 might give room for the Portuguese to demand higher payment. Also, it was felt that the Portuguese might make "false representations" to recruits and cause "embarrassment" at the border. Further, it was likely that the Portuguese would allow "short" contracts to be signed whilst the Chamber favoured "long" contracts. Significantly, the Chamber warned against a hasty agreement which might "prejudice the future" as "any reckless agreement now might be disastrous" in the future.

Apart from the "conference proceedings", Lagden also provided Milner with Rouliot's personal views.[130] He objected to RNLA being referred to as "grossly ill managed" and suggested that Milner stress the "protection" side of the agreement in that WNLA was a "responsible" body and was "regulated" by Government and that its agents would be "men of standing [who would] conduct themselves in an orderly and discreet way". He cautioned against stating requirements at 30 000 as this would lead to "abuse" and enable the Portuguese to "charge a ludicrous rate" for any additional labourers. Further, the negotiations

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[130] Ibid., Lagden to Milner, 23 October 1901.

by other contractors be kept separate from this agreement.

After several meetings with Rouliot, Strange, Perry and the Chamber, Lagden drew up another memorandum for Milner.[131] In it he stressed that the necessity for the recruiting of Portuguese labour had to be solely in the hands of one Association under the "recognition and regulation" of Government and that the agents of WNLA would need to be "approved [by] and amenable" to the Portuguese authorities. Further, WNLA were prepared to recruit for Rhodesia employing separate agents and would incorporate any mines not belonging to the Chamber into the scheme. However, they would not recruit for Natal - "with whom they had never had anything to do and do not wish to". He also added that recruiting in the northern Transvaal had not been successful. In fact, only 371 men had been recruited in the past two weeks. The official reasons for this, said Lagden, were the African fear of Boer raids, the dangerous conditions for travelling to Pietersburg and the lack of military protection. However, privately, the Africans feared Kitchener wanted to press them into employment at Native Refugee Camps.

From here it seems that Lagden's role in the negotiations ceased. The Modus Vivendi was signed in December 1901 and the first labourers began to arrive in the Transvaal on 8 February 1902.[132] A major blunder in the agreement was that the Transvaal found that it had negotiated for recruits only in the southern provinces of Lourenco Marques, Inhambane and Gaza, all to the south of latitude 22° S.[133] As is well-known, Mozambique served the goldmines well but, in late 1903 and early 1904, there were serious falls in recruitment levels.[134] Nevertheless, Mozambique labour was incapable of solving the cheap labour problems of

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131 Ibid., 'Memorandum to High Commissioner. Labour recruiting', 10 November 1901.

132 Lagden Diary, 1902, 8 February.

133 J Taylor, 'Changing patterns of labour supply to the South African gold mines', Tydschrift voor Econ and Soc Geografie, 73 (1982), 4, pp. 212-20, especially Table 1, p. 215

134 Richardson, Chinese mine labour, pp. 21-2.

the Rand.

In Natal.

The Transvaal was not, however, the only part of South Africa short of labour. Stating the obvious, the Natal Minister of Native Affairs, FR Moor, believed that shortage to be due to excessive demand over supply.[135] Exacerbating the position were the wages and conditions of service Africans received when employed by the military. Wages were often as high as £5 per month, plus rations and clothing. Hence, when Lagden met Hime, the Prime Minister, Moor and Saunders, the Native Commissioner of Zululand[136], they agreed that action needed to be taken to stabilise the labour market by cooperating with the military authorities. However, they disagreed on taxation. Lagden argued that the 14 shillings per annum hut tax paid by Africans in Natal was too low, and that they were "not contributing nearly enough for advantages given". Moor disagreed. He maintained that they were "paying quite as much as [was] just". As WNLA had refused to recruit labourers for Natal (presumably because it was not allowed to recruit in Natal), Milner, in his capacity as High Commissioner, had concluded a secret agreement on behalf of Natal which permitted her to recruit labour in Mozambique.[137]

In a letter to Spender[138], Lagden pointed out the importance of Natal within South Africa: "any troubles there reflect themselves largely throughout South Africa". No doubt influenced by Moor, Lagden learned

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135 On Moor, U Dhupelia, `Frederick Robert Moor and Native Affairs in the colony of Natal, 1893-1903', unpublished MA dissertation, University of Durban-Westville, 1980. See p. 139 for his views on the labour shortage.

136 GH 706/1964/1901, `Meeting with Godfrey Lagden', 21 December 1901.

137 GH 706, ` Received from the High Commissioner for South Africa: Papers 1291- '01 re telegram 25', 20 December 1901. See also, Dhupelia, `Frederick Robert Moor', p. 141.

138 Lagden Papers, Mss Afr S, 174, Lagden to Spender, 18 December 1901.

of "the evils of kaffir farming". There were different types of "kaffir farming". In many cases, Africans lost their lands to whites but were permitted to remain on the land in return for rent or labour. In other cases, Africans were allowed to squat on white land, again, in return for rent and/or labour. Whilst in a third situation, whites provided the land and seed, whilst Africans provided labour, oxen for ploughing and a share in the crop to the landlord.

For many whites, `kaffir farming', be it in Natal, the Orange River Colony or the Transvaal, was a profitable, if not the most profitable form of farming, considering the dislocation of the war years.[139] Equally important, Africans enjoyed a considerable degree of independence and choice up to and beyond 1913. Certainly, as Tim Keegan[140] has shown, often they were not under effective white control.

Lagden argued that `kaffir farming' was "destructive of healthy agriculture and healthy land development" but as the majority of Natal's members of parliament were farmers, "general policy is looked at through farmers' spectacles". The main reason for his professed dislike of `kaffir farming' was that it enabled Africans to resist the labour demands of white society. At a more general level, he complained that Africans were "protected"[141] but were not "being called upon to contribute, in any adequate form, for the benefits they derived from the common weal". Further, the war had not only disrupted labour patterns but also "elevated" wages. Even worse, it had increased "the grasping and insolence" of Africans and had allowed them to develop a contempt for both Boer and English. To a large extent, this had been "generated" by the "familiarizing" of the soldiers and the "mistaken rule" of the military.

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139 Ibid.

140 Much of Keegan's research is contained in Rural transformations in industrialising South Africa, and Facing the storm. Portraits of Black lives in rural South Africa.

141 Lagden Papers, Mss Afr S, 174, Lagden to Spender, 18 December 1901.

Establishing the Native Affairs Department.

Soon after Lagden had established himself in Johannesburg in August 1901, he secured the services of two of his Basutoland assistants - Moony and Pritchard.[142] Moony was earmarked for service in the far northern Zoutpansberg district which was relatively free from military authority whilst Pritchard was destined to oversee African labour on the mines. A third recruit was W Windham, previously a temporary assistant in the Mines Department. He immediately impressed Lagden, and with Wybergh's permission, was able to appoint him as SNA, that is as Lagden's deputy.[143] Windham appears to have been a sound choice. By 1905, he was considered by Milner, to be a more useful administrator than Lagden himself.[144]

The NAD began to take shape in late September 1901 when Lagden met Milner on a number of occasions.[145] From the outset, Lagden realised that 'native affairs' were unlikely to receive the attention and esteem he believed essential, even though he had restricted his expenditure to the "rigid necessity". He was emphatic that he have a "good contented principal staff ... [who] can and will carry out what is determined upon".[146] He opposed the tendency to put Native Affairs at the "bottom of the class" as this would "react detrimentally". Hence, his insistence on a "few ... good men" to do effective work. Nevertheless, it would require a "substantial budget". However, if labour could be "stimulated" and the hut tax collected, this would produce a "substantial revenue, in excess of what it used to be".

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142 Lagden Diary, 1901, 12 August.

143 Lagden Papers, Mss Afr S, 210/2/7, Lagden to Milner, 17 September 1901.

144 Headlam, Milner Papers, II, p. 536, Milner to Selborne, 14 April 1905: "The Government will be kept much safer in the Legislature with his [Lagden's] shy and unprovocative, but sound and judgmatic subordinate, Windham".

145 Lagden Diary, 1901, entries for September.

146 Lagden Papers, Mss Afr S, 210/2/7, Lagden to Milner, 27 September 1901.

Milner agreed but was uneasy about the reaction of his fellow officers and the Transvaal public to the NAD budget - involving five Native Commissioners (NC) and twenty sub-Native Commissioners, apart from Lagden, the SNA and the Mine Inspectors.[147] Nevertheless, Milner approved of Lagden's estimates and agreed to put them before the Executive Council.

Following this, Moony was despatched to Zoutpansberg with rather vague instructions.[148] As Lagden informed Milner, Moony was given "considerable latitude" and had been advised "rather what to avoid than what to do". He was to attempt to "reassure" the Africans, "stop filibustering" if it occurred and "aid the military in all practicable ways". Briefs for other positions were more specific.[149] Based in Johannesburg, there was to be a Chief Inspector of Mine Labour, supported by three Inspectors and a clerk. Later, a finger print office was added.[150] With the anticipation of an inflow of Portuguese labour, there was to be, at Komatipoort, a Pass Officer and three clerks. There were many applicants to share the spoils of victory. As noted, Moony and Pritchard were former associates of Lagden from Basutoland. Two other former Basutoland officers, Corke and H Griffiths were appointed with DR Hunt, a member of the Cape Mounted Rifles, to labour inspector positions. The clerk was Newnham, recently arrived from England whilst the Pass Officer was the Natalian, CK Wheelwright, presently in Pretoria with the army.[151]

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147 TAR:NAD, 1902, p. A1.

148 Lagden Papers, Mss Afr S, 210/2/7, Lagden to Milner, 27 September 1901. Reports by Moony on irregularities committed by the Bushveldt Carbineers caused the British authorities in Pretoria to investigate the activities of the unit. Apart from the Morant and Handcock atrocities, Captain Alfred (Bulala) Taylor, the acting Native Commissioner, was removed for his ill-treatment of Africans and seizure of cattle. See, Breaker Morant and the Bushveldt Carbineers, edited, with commentary, by Arthur Davey, Second Series, No 18, Van Riebeeck Society, Cape Town 1987.

149 Ibid., 'Memorandum to H[is] E[xcellency]', 12 November 1901.

150 TAR: NAD, 1902, pp. A1-2.

151 Lagden Papers, Mss Afr S, FK 962, pp. 454-60, Milner to Chamberlain, 29 September 1901.

On 27 November 1901, the Executive Council approved of all of Lagden's legislation and estimates and by Proclamation 32 of 1901, all the powers and functions of the former Superintendent of Native Affairs of the South African Republic were delegated to the Commissioner of Native Affairs.[152] The Governor was given powers to appoint Native Commissioners or sub-Native Commissioners as he thought fit for all the districts of the Transvaal where large numbers of Africans resided. They were to have jurisdiction over disputes of a civil nature as well as over minor crimes and offences but were forbidden to imposes lashes except in second or subsequent convictions for the same offence within three years. Lashes had to be confirmed by a judge of the Supreme court.

Lagden divided the Transvaal into five districts, each containing several sub-districts whilst Africans on the mines were under the jurisdiction of the Chief Labour Inspector and his staff. The Central District was based around Pretoria and included sub-divisions at Hammanskraal and Heidelberg; the Western District was centred at Rustenburg and included Potchefstroom, Lichtenburg, Zeerust and Pilan[e]sberg; the North-Western District (Waterberg) was based at Warmbaths and included Nylstroom and Piet Potgieter Rust; the Northern District (Zoutpansberg) was based at Pietersburg and included Blaauwberg, Sibasa and Spelonken; whilst the Eastern District was based at Midddelburg and included Wakkerstroom, Piet Retief, Barberton, Lydenburg and Sekhukhune.[153]

The responsibilities of the NAD were political, judicial and administrative. The major political duties were to maintain contact with the political attitudes of Africans, prompt satisfactory relations between Africans and the Government, and explain government laws and orders to Africans. Its main judicial responsibilities were the hearing of civil disputes where both parties were Africans. Also, NAD officials

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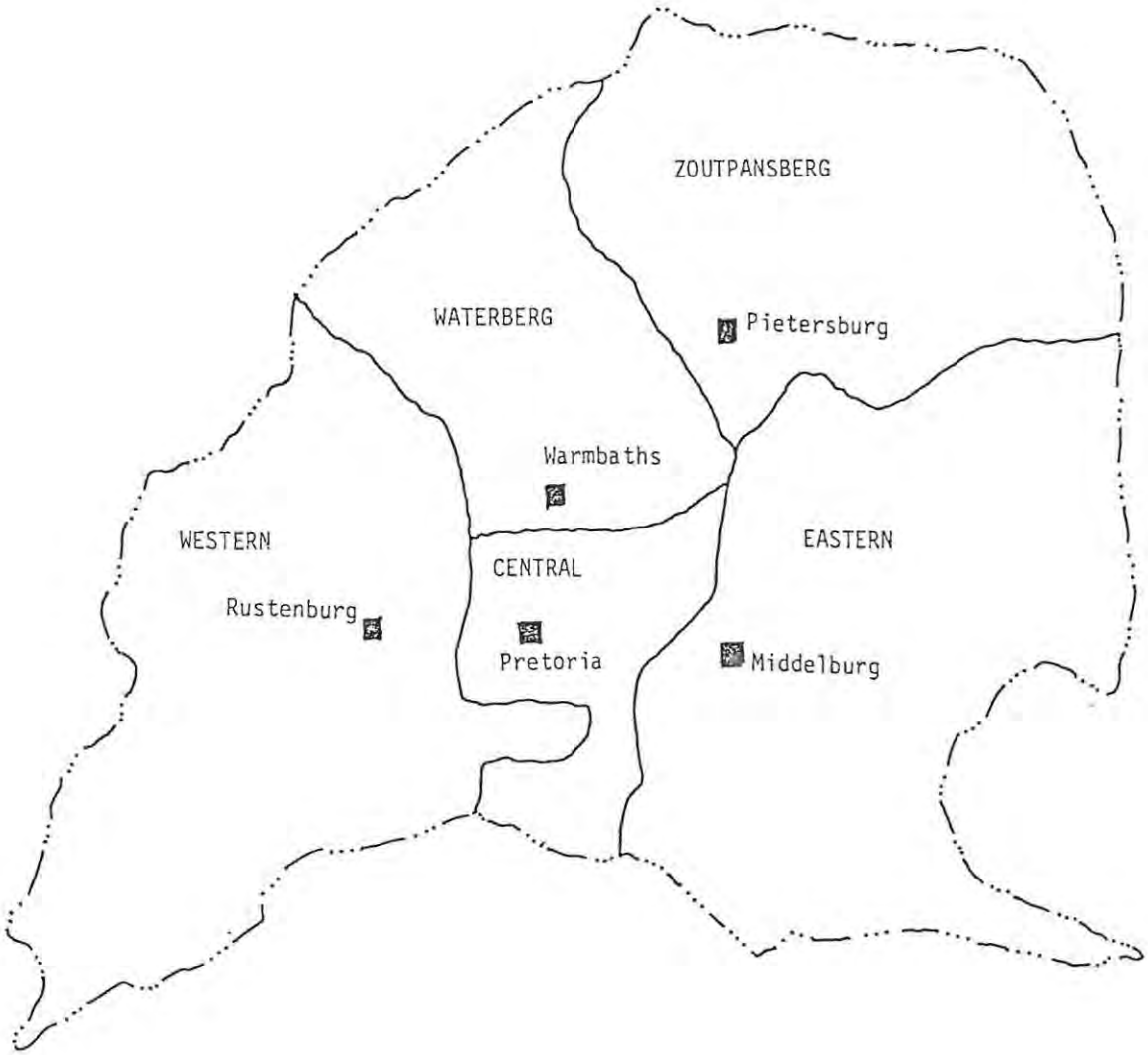
152 CO 291/40, FK 962, pp. 454-60, Milner to Chamberlain, 19 July 1902.

153 See map: 'Transvaal', overleaf.



Sketch Map: Transvaal, showing the districts and main stations of the Native Affairs Department.

could hear cases between Africans and whites as long as the white consented.[154]

The administrative responsibilities were considerable especially in the months immediately after the peace. The administration of the pass law, collection of taxes and control of Africans resident in locations were routine tasks but the handling of compensation claims for war losses and the collection of firearms were additional responsibilities.

Milner placed great emphasis on the choice of suitable persons being appointed as Native Commissioner. He desired to appoint "men of high character, intimately acquainted with Native habits, and having their interests at heart, and, as far as possible, familiar with their languages".[155] In late 1905, Lagden, when describing the 'ideal' NC to Selborne, stressed the need for them to be "gentlemen of education" who had "knowledge of Native questions" and who were of "influence with Africans". They should also have the "power to settle tribal questions and disputes" and have the "ability to deal locally in times of emergency". In addition, a "knowledge of legal procedure" was useful.[156] Indeed, these would be useful qualities, if properly applied.

By 16 June 1902, Lagden had finalised his selections for the commissioner posts. Hogge (Eastern) was a former member of the Cape Native Affairs Department, Griffith (Western) was formerly of the Basutoland administration whilst Taberer (Central) had served in the Rhodesian Native Affairs Department. CA Wheelwright, Pass Officer at Komatipoort, originally in the Natal NAD, took up the Northern post whilst Scholefield, who had civil and military experience in Bechuanaland, was appointed to the North Western district.[157] With

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154 E Jonker, 'Introduction: SNA Archive. Transvaal Depot'.

155 SNA 11/442/01, p. 3, Milner to Chamberlain, 6 December 1901.

156 SNA 740, pp. 10-17. 'Memo on questions raised in Lord Selborne's Minute of 20 November 1905, to Lieutenant Governor'.

157 CO 291/114, M 483, Scholefield to Harris, 26 January 1906 contains details of his career in South Africa.

the exception of Taberer, it appears that the NC's were all men with some secondary education and with colonial service experience. HM Taberer[158], of Eastern Cape missionary stock and cricketing fame, had received his education at St Andrews College, Grahamstown and Keble College, Oxford, where he graduated with a BA Honours degree. He was an outstanding sportsman and won blues at Oxford for cricket, football and athletics. None of the NC's were Transvalers. This was to give rise to complaints later when jobs were hard to come by.

On 18 June, Lagden organised a conference for the NC's when he outlined prevailing conditions in the districts and spelt out future policies.[159] He stressed the "great disorder" and the many administrative difficulties that would be encountered. He suspected the commissioners would find many of the Volksraad laws and resolutions had been adapted by the former commissioners to suit their needs. He was aware that very few records remained and that this would complicate the many questions awaiting settlement, especially that of land for African locations. In addition, the ill-feeling between Africans and Boers was likely to be exacerbated by promises made by the military. Scholefield was soon to learn that:

> the Native generally thought that after the war, it was the intention of our [British] Government that all the engagements to their landlords were to be cancelled and ... to practically divide the Boer farms among them, at least in so far that each Native would receive the holding that he then rented from his landlord from the Government in fee simple.[160]

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158 Dictionary of South African Biography, V, 'HM Taberer', E Rosenthal, p. 760.

159 TAR: NAD, 1902, pp. A1-2.

160 Ibid., p. A17.

Peter Warwick[161] has shown that many difficulties arose when attempts were made to remove Africans who had occupied farms abandoned during the war. In the Rustenburg, Waterberg and Vryheid districts tenants and peasants forcibly resisted the return of Boer families to their homes. Even Louis Botha, the Transvaal Commandant-General, was run off his own land by former tenants who informed him that he "had no business there and [he] had better leave".

Lagden anticipated that there would be widespread hunger because much of the land had been neglected or suffered under the "scorched" earth policy. In addition, there were other serious problems such as settling of stock seized during the conflict, the compensation issue and the disarming of Africans. All of these were to undermine the credibility of the British Administration in general, and the NAD in particular, in African eyes.

As regards future policy, Lagden digressed about the need to study existing laws carefully and then pursue a common policy. Further, the commissioners were to "familiarise" themselves with local history and geography and the numbers of Africans resident in the district. It was also important to be "sympathetic" towards the Africans and not to interfere, if possible, with African habits and customs. Lagden concluded with a number of specific and pertinent instructions. They were to facilitate the return of Africans to farms, attempt to smooth relations between Africans and Boers, encourage labour in all reasonable ways but never actually recruit labour except for Government works.[162]

Whatever optimism rural Africans might have had for their future, they were rudely shattered in the months following the peace signing.

First it was apparent that British military propaganda that the purpose of the war to defeat the Boers and hand over their farms to Africans

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161 Warwick, Black people, p. 165.

162 TAR: NAD, 1902, p. A17.

was widely, if not universally, believed by Africans. Indeed, as Lagden noted, it was "manifest that the Native mind was imbued with the idea".[163] The South African Constabulary had to accompany NAD staff when they attempted to persuade Africans that the farms still belonged to the Boers. Lagden estimated that as many as 180 000 Africans had occupied Boer farms during the war.[164] Most of these had to be persuaded to resume their former positions as labourers and tenants but others sought refuge on Crown Lands where the £1 annual rental and limited labour liability were far more attractive propositions. Wealthy Africans who possessed oxen, a wagon and plough could obtain favourable agreements with farmers. Such people had taken advantage of wartime opportunities by increasing crop acreages and accruing considerable wealth.[165] No doubt, survivors of African concentration camps who were desperate had little alternative but to accept whatever terms were offered.[166]

Much stock had been seized by Africans during the war. Boer commandos had, however, carried out many raids to obtain cattle for food as well as to obtain stock for future herds. The NAD was expected to settle the disputes. Despite apparent African willingness to cooperate, Boer hostility and refusals led to matters being dropped or taken to court where, as Warwick has pointed out, Boer success was a likely result.[167]

With regard to compensation for war losses or damage, many Africans, probably three out of four according to Scholefield, never received receipts for goods taken by the military.[168] Even though this was a

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[163] Ibid., p. A2.

[164] Warwick, Black people, pp. 160-2.

[165] Report by the Commissioner of Native Affairs relative to the acquisition and tenure of land by Natives in the Transvaal, p. 3.

[166] Warwick, Black people, pp. 160-2.

[167] Ibid., pp. 166-7.

[168] TAR: NAD, 1902, p. A18.

well known occurrence, African claims were met at 3s. 5d. in the £1. Thereafter, payment was often delayed.[169] It is important to realise that this occurred during a period of high prices, hence the payments made, did not go very far. Whilst it may be accepted, therefore that certain peasant farmers did accrue some wealth[170], most Africans in the Transvaal were impoverished by the war and consequently more vulnerable to natural vicissitudes and demands of the state.

Firstly, the disarming of the Africans was accomplished without provoking any open resistance though it may be safely assumed that many weapons were probably hidden by those who required weapons for hunting.[171] Further, personal protection from unwarranted white attacks must have led to some weapons being hidden. What is important is the British realisation that there was no longer even the remotest chance of an African uprising. The amount paid for the weapons, £60 990 for 50 488 firearms, was a very small price indeed. It is little wonder that Lagden and the NAD were highly unpopular with Transvaal Africans, whose grievances were ventilated by African newspapers and political organisations.[172]

Marital woes.

Immediately after Lagden's departure for Cape Town in July 1901, his wife Frances underwent major heart surgery. Her recovery was slow and erratic, and by April 1902, she was still too weak to travel to South Africa. However, by early May she was strong enough to begin making plans to sail.[173] On 1 July 1902 Lagden travelled to Cape Town to meet her. However, probably due to the great strain and pressure of

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169 GOV 1012/50/35/06, p. 10, 'Petition of the Native United Political Association of the Transvaal, 1906'.

170 C Bundy, The rise and fall of the South African peasantry, pp. 207-12.

171 TAR: NAD, 1902, p. A2.

172 As will be shown below.

173 Lagden Diary, 1902, 5 May.

work, and lack of resistance, he arrived as "a perfect wreck"[174] and had to be hospitalised as he was suffering from malarial fever. It was nearly three weeks later that the reunited family were able to return to Johannesburg. Lagden's busy schedule and long hours kept him very occupied and caused increasing friction to develop between him and his family. The trials and tribulations of moving into the house appear to have brought matters to a head and Lagden complained that it was "fearfully hard"[175] to get his family to be contented. Tempers invariably worsened on Sundays which became "a day of misery". He explained that it was "painful to chronicle" his situation. He claimed:

> My work and life's work is [sic] recognised by the world, my difficulties are realized by everyone, but at home, it is not shown or felt and I am no more than a piece of furniture.[176]

This state of affairs was to continue and in December 1902 he was again to confess that he felt "nothing but [a] feeling of loneliness at home".[177] By March 1903, after further serious differences with his wife, he again wrote at length about his sad and tragic home life:

> It is sad for me, in the autumn of my life, when after many long years of struggle, I have reached a high and honourable position, to find that the little sunshine of happiness that ought to be [my] reward, is denied. It is my fate to suffer ... my wife is indifferent to all I do and have to do ... I have now reached an age where a man begins to feel the weight of years and the effects of hard mental and physical work.[178]

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[174] Ibid., 4 July.

[175] Ibid., 27 September.

[176] Ibid., 12 October.

[177] Ibid., 4 December.

[178] Lagden Diary, 1903, 3 March.

There can be no doubt that Lagden's relations with his wife suffered because of his work load and many responsibilities. Not surprisingly, considering her ill-health, Frances was against living in Johannesburg and strongly favoured returning to England. However, their entire relationship never appears, at least from Lagden's diaries, to have really blossomed. From the viewpoint of his career, there was little that he could do about promotion or transfer. He lacked the academic training and personality for a career in the Colonial Office in London, and as Milner had discovered, there were no openings for him elsewhere.[179] With a young and growing family, early retirement was out of the question. His only option was to soldier on and hope for a reduction in work and greater understanding from his wife. Unfortunately, the sudden death in Cape Town, of Frances's father, Bishop Bousfield, in early 1902[180], had removed the only person really capable of assuming a supportive role in the marital crisis. The marriage was to survive the crisis but it appears that the rift was never really healed because in 1905 when the Lagdens travelled to England on "long leave", only Godfrey was to return to the Transvaal.

African Taxation.

African taxation was first considered by Lagden as far back as October 1901 when he contemplated implementing a hut tax of £3 per annum.[181] However, despite queries by Fox-Bourne[182] to the Colonial Office about African taxes being levied at a rate to meet actual administrative costs, the actual ordinance was framed in August 1902. When replying to the query, Milner had professed to agree with Fox-Bourne that the "tax should be in proportion to the services

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[179] Headlam, Milner Papers, II, p. 316, Milner to Ommaney, 25 January 1902.

[180] Lagden Diary, 1902, 10 February.

[181] Lagden Diary, 1902, 14 October.

[182] CO 291/50, FK 924, pp. 77-90, Fox-Bourne to Chamberlain, 11 January 1901.

rendered and the benefits bestowed upon them by our Government".[183] The Native Tax Ordinance, no 20 of 1902, amended the laws relating to the taxation of Africans in the Transvaal and consolidated all the taxes due.[184]

In his report on the ordinance Sir Richard Solomon stressed that the previous British Administration had imposed an annual tax of 10s. per hut occupied by an African.[185] This had provided the basis for the Republican legislation. Between 1881 and 1899, several other taxes were introduced. In 1884 a road tax was implemented whilst in 1895 polygamists became liable to pay 10s. for every additional wife whilst male Africans over 21 years became subject to the payment of a £2 poll tax. However, exemptions were permitted for four particular categories: aged; diseased; "servants" (undefined); and, African police. In 1898, Africans on the goldfields and in towns became liable to pay taxes whilst in 1891, a dog tax of 10s. per dog had been imposed on African but not white-owned dogs. A "Native" in all these cases was signified as any person "belonging to or descended from the native races of South Africa whatever".

The 1902 law enacted that very male aboriginal "native" domiciled in the Transvaal was to pay annually a consolidated tax of £2 in lieu of all taxes imposed on Africans under the repealed laws. Further, he was to pay a separate tax of £2 for each additional wife. Taxes were due to be paid on 1 January 1903. Responsibility for assembling the people for payment lay with chiefs and headmen.

Exemptions could be applied for by those Africans who had gained exemption certificates for the Native Pass Laws. The penalty for wilful neglect to pay was fixed at £10 or three months imprisonment.

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183 SNA 11/442/01, p. 5, Milner to Chamberlain, 6 December 1901.

184 CO 291/42, FK 971, pp. 54-73, 'Ordinance 20 of 1902'.

185 Ibid.

The ordinance was forwarded to the Colonial Office along with a lengthy memorandum by Lagden.[186] In it, he rejected the Republican practice of exempting those Africans who performed a "degree of labour" because it had been "cumbrous and ineffective and it [had] not produced the results desired". He alleged that this was abused by white employers and Africans had suffered. In any case, he reckoned that Africans now received "many benefits". These included the settlement of the country which had cost "so much", the protection of life and property, the maintenance of order and prevention of inter-tribal fighting, security for existing rights and the fair administration of justice.

All of this, maintained Lagden, entailed a large expense especially in the Law, Police, Justice and Native Affairs Departments. Therefore, he submitted that the tax imposed was "moderate" and could not be regarded as an adequate contribution. Unlike whites who had to work "more or less every day ... to earn a livelihood", Africans had few wants and could "indulge in periods of idleness ... [this] was the source of all crime". It was, therefore, in the interests of Africans themselves, to have industry fostered among them because it helped create new wants and taught them that their future prosperity depended on industrial habits of a "regular nature". "Learning to labour" was for their own betterment and they should not be encouraged to "stand idly by whilst foreign labour [was] imported". "The whole question require[d] an enlargement of the horizon both in the Native mind and in the mind of philanthropy".

That the hut tax was higher than elsewhere in South Africa was easily explained, claimed Lagden. The demand for labour was great, wages were easily earned and general conditions better. Indeed, the total prohibition of the supply of liquor to Africans was a "cardinal boon" to them for which no payment of taxes would offer any commensurate return. Finally, he added that the term "adult" rather than a fixed age was employed to define those eligible because of the problems in

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186 Ibid., 'Memorandum to accompany Transvaal Ordinance No 20 of 1902, entitled "Native Tax Ordinance, 1902"', Sir Godfrey Lagden, 29 August 1902.

determining age amongst Africans and that, as in Basutoland, chiefs and headmen were given a "direct interest" in the management of the affairs of their people. As will become evident, this ordinance was to arouse considerable debate and opposition from many quarters. However, Lagden's claim that the tax would bring in great amounts of revenue soon materialised.

Whilst Milner[187] was to state that the tax yield would be "greater" than in Republican times because the collection of the "old tax" was liable to "gross abuse" with the bulk never reaching the Exchequer, he chose to defend the comparatively high rate now imposed as being due to the "exceptional circumstances" of very high wages in the Transvaal, "by far the richest Colony in South Africa". He did not consider it "unreasonable" that the African who benefited in so many ways, should contribute in proportion to the "general burden". Indeed, it needed to be remembered that "whatever the whites derive from the change in government, they [were] incomparable to the advantages which the Africans derive[d]".

Colonial Office personnel were not so sure. Several of them noted their views at considerable length. Rightly so, they considered that the whole issue required serious consideration. Lambert[188] believed the new rate to be large but "justified". However, he was very concerned with the powers vested in the collectors and recommended that the Colonial Office be given details of such officials. Also, he thought that the Colonial Secretary should have received details of the Ordinance before it was actually framed. Further, he suspected that £2 rate would become the "standard" in South Africa.

Just[189] was less impressed. He observed that every African who had not paid the high Republican taxes, would not benefit from the £1

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187 CO 291/42, FK 971, pp. 60-2, 'Ordinance 20 of 1902', Milner to Chamberlain, 8 September 1902.

188 Ibid., Note by Lambert, 14 October 1902.

189 Ibid., Note by Just, 15 October 1902.

reduction. Further, the age determined by the Transvaal was 21 years though now it was "every male adult" and polygamists had to pay £2 extra for every additional wife. On the other hand, Fiddes[190] was in full agreement. He argued that Britain had incurred a very heavy expenditure on account of Africans and he considered it right that they should make some contribution, especially as the tax was not the £3 as Lagden had originally proposed. It had been reduced by Milner because he considered £3 to be too high. Fiddes also strongly favoured the dog tax as the "mongrels who hang about kraals are a perfect pest" and in Southern Rhodesia had spread rabies.

Graham[191] also believed that the Ordinance should be sanctioned, "Mr Fox-Bourne notwithstanding", but noted that this committed the Colonial Office to the approval of similar legislation elsewhere "unless local circumstances necessitate a different course". Onslow[192] agreed that the £2 rate was an "actual material reduction" and that as Milner "believed" the Ordinance to have been well-received by Africans, the Colonial Office was "justified in accepting these assurances". On the other hand, the extra £2 for additional wives was too high in his opinion.

Fox-Bourne[193] was very critical of the Ordinance. He stressed that, in practice, many Africans, especially in the north and north east of the Transvaal who lived outside "white areas", had been free from taxation. He was extremely critical of the tax on polygamy which he denounced as a "momentous innovation alien to all native institutions [which] was on every ground objectionable". He also doubted that the £2 level was "equitable" and considered it open to very "grave objections on grounds of expediency ... [especially as it was the] intention to impose it with far more comprehensiveness and efficiency than

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190 Ibid., Note by Fiddes, 16 October 1902.

191 Ibid., Note by Graham, 30 October 1902.

192 Ibid., Note by Onslow, 5 November 1902.

193 CO 291/51, FK 1018, pp. 924-33, Fox-Bourne to Chamberlain, 18 October 1902.

[before]". Indeed, he calculated that two-thirds of Africans in the Transvaal were "comparatively independent" of both Briton and Boer. Therefore, taxation should not be in advance of the "benefits conferred". He concluded that a small tax would meet "all legitimate fiscal exigencies" and anything in excess of this would be "unjust and impolitic".He, therefore, appealed against the enforcement of the Native Tax Ordinance, or "largely to modify it". It is perhaps surprising that Fox-Bourne did not point out that there were no direct taxes applied to whites in the Transvaal at this stage.

Altogether, Colonial Office officials made twelve pages of comments. Despite the number of queries and problems raised, Chamberlain dealt with the matter rather brusquely:

> Proceed as proposed, I think we must support Lord Milner.[194]

Hence, the Ordinance was approved and the first collection was eventually made in April 1903.[195]

In June 1903, following complaints by a reader of the Westminster Gazette, Lagden was asked by Sir Arthur Lawley, the Lieutenant Governvor, to explain and justify the Native Tax Ordinance for Chamberlain.[196] He reiterated the Republican rates as opposed to British rates and attempted to show the advantages to Africans of the British rates. Regrettably, he admitted, he had been unable to introduce an ordinance to allow Africans to possess one dog free of tax. This, he claimed, he would do soon.

As initially pointed out by Just, the insertion of "adult male" was a problem. However, Lagden clearly revealed his intention, by referring

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194 CO 291/42, FK 971, pp. 54-73, Note by Chamberlain, 7 November 1902.

195 CO 291/56, M 440, Milner to Chamberlain, 16 April 1903.

196 Lagden Papers, Mss Afr S, 210/2/8, Lagden to Lawley, 27 June 1903.

back to Republican law. He alleged that although 21 years was stated, the addition of "The tax collector shall, in the absence of direct and reliable proof, estimate the age of unmarried natives" implied that any married African under 21 years was liable. Hence, he had deliberately omitted the age limits when drafting the Ordinance.

Lagden also defended the elimination of exemption based on labour as the exemption under Republican law was really based on "caprice and not of rule". However, it was also obvious in the Cape that the labour clause of the Glen Grey Act was not working properly. The main ground for exemption in his Ordinance was now depicted as being "high" because it was desirable to maintain a high standard in order that "they Natives may have something to aim at and benefit by acquiring". So far, 45 had received Letters of Exemption. As will become apparent, many Africans in the Transvaal were to suffer greatly from this Ordinance and were to contribute to an inordinate amount to Government revenue.

Asian Affairs.

A major responsibility that Lagden had to shoulder was that of Asians. Indeed, during the early months of 1902 he appears to have devoted more time to Asians than Africans.[197] It is blatantly obvious that he never enjoyed this aspect of his work. Ironically, his views carried considerable influence with Milner and formed the basis of the Executive Council Resolution which ultimately became the basis of Transvaal legislation towards Indians.

Prior to the outbreak of war in 1899, virtually all British citizens living in the Transvaal left for the coast.[198] In the case of Indians, the overwhelming majority travelled to Durban whilst a few went to the Cape ports. However, some Indians, perhaps 2 000, did

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[197] Lagden Diary, 1902, entries for January.

[198] B Pillay, British Indians in the Transvaal. Trade, race relations and imperial policy in republican and colonial Transvaal 1885-1906, p. 85.

remain in the Transvaal trading as hawkers and doing odd jobs. Early in 1901, after British forces had occupied the Transvaal, the Indian Refugee Committee in Durban received reports from both Johannesburg and Pretoria of a "vigorous application of the late republic's laws against Indians"[199], especially the petty restriction upon the use of pavements. Evidently, the Military Administration had decided to apply the Republican laws until further notice and had informed Indian complainants that they should approach the Town Council after it had been appointed. In Pretoria, the military authorities had also applied the location regulations and ordered Indians there to move to the designated location, despite Indian appeals to JA Gillam, the newly appointed Supervisor of Indian Immigrants, and that respectable Indian traders be exempted. In June 1901, Gillam reported that all Indians in Pretoria, except for five families, of "known respectability and servants on European premises" lived in the location, which was clean and had separate sanitary facilities, which met the requirements of both Hindus and Moslems.[200]

Matters were not so simple in Johannesburg where conditions at the Brickfields and Burgersdorp locations were so "extremely insanitary" and such a "positive danger to health", that they required immediate action.[201] The former location was built on "swampy and poorly drained land" which Lionel Curtis[202], the Town Clerk, considered likely to contain the plague. Indeed, conditions were so bad that Curtis opposed the publication of the Asian location report because it was likely to embarrass the Government.

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199 Ibid., p. 89.

200 Ibid., pp. 89-90.

201 Ibid., p. 90.

202 Lionel Curtis (1872-1955). Member of Milner's Kindergarten; Town Clerk of Johannesburg 1900-1901; Assistant Colonial Secretary 1902-7; and, Beit lecturer on Colonial history at Oxford University.

Lagden assumed responsibility for Indians after his arrival in Johannesburg despite the doubts of Lambert and Just in the Colonial Office that the Commissioner of Native Affairs should manage Indian Affairs.[203] A notice in the Johannesburg Gazette advised Indians of the creation of the Indian Immigration Office, which would, inter alia, issue and amend passes for Indians, as well as forward all communications between Indians and all government departments.[204]

Throughout 1901 there was increasing pressure from Indian refugees to return to the Transvaal. Initially, they were refused permission on the grounds that only those eligible to serve in the Rand Rifles would be issued with return permits. As the Rand Rifles only accepted whites, all Indian applications to return were refused. This state of affairs persisted until December 1901 when, after questions in the Commons[205], Milner appointed Lagden to handle Indian requests to return. By the end of 1902, 4 571 permits had been issued.[206]

In early 1902, all members of the Executive Council were asked by Milner to submit proposals on Indian policy. Apart from his official views as expressed to Milner, Lagden's thoughts can be clearly seen in remarks made to Spender.[207] He rejected "coolies" as labourers who, even though they were "cheap" were "undesirable". Moreover, there was the "dread prospect already looming ... of flooding the country with Indians ... [and who were] breeding like rabbits".

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203 Pillay, British Indians, p. 91.

204 Ibid.

205 Ibid., p. 99.

206 Lagden Papers, Mss Afr S, 210/2/7, Milner to Lagden, 31 January 1902.

207 Lagden Papers, Mss Afr S, 174, Lagden to Spender, 18 December 1901.

Later, Lagden criticised British policy towards the Transvaal before the war with its "hammering and heckling ... about the position and disabilities of British Indians".[208] This was a "short-sighted policy, yet easy to badger a tributary state under the cover of suzerainty". He forecast that British South Africa would "combine with the Dutch and other nationalities in resisting any attempt to press into and upon the community, the Indian conglomerate which [was] dirty, insanitary and incongruous".

The dilemma which Milner faced was that white public and official opinion in the Transvaal favoured Indian legislation, based on Law 3 of 1885[209], which had been the target of much criticism by the British Government, especially by Chamberlain, as Colonial Secretary, prior to the outbreak of war.[210] Hence, the British Government had to avoid supporting legislation which could, unless on sanitary grounds, be labelled as discriminatory and would lead to searching questions in the Commons and by the Indian Government. Policies that were to be proposed by the Executive Council, clearly revealed support for Law 3 of 1885, and the acceptance of segregation for Indians.

Whilst all members of the Executive Council submitted their views, the basis of the resolution can be found in Lagden's memoranda of 2 January 1902[211] and 18 March 1902.[212] He argued that the attitude of British colonies in other parts of the world:

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208 Ibid., 22 February 1902.

209 For the full text of Law 3 of 1885, see Pillay, British Indians, Appendix 1, pp. 235-7. The amendments of 12 August 1886 and 16 May 1890 are also printed. Pillay provides a full discussion of the Law, pp. 1-24.

210 Pillay, British Indians, pp. 57-84.

211 SNA 2/46/01, Lagden to Executive Council, 25 January 1902.

212 LTG 97/97/4, 'Memorandum by Commissioner of Native Affairs on Indian Question, 18 March 1902'.

> illustrated the necessity of guarding against the misguided efforts of those who advocated that British Indians be allowed to inundate themselves wholesale into the domestic life of a society which is alien.

Action had to taken to prevent the:

> foundation of further embitterment between races having a substratum of mutual antipathy towards each other.

He reckoned that "agitators" wanted to create "an unpleasant and undesirable state of public feeling". It was the government's duty to prevent such things. Any group of Indians endangered public health wherever they settled. Further, they were a burden on municipal revenue so it was "not practicable for any public authority to carry out efficient municipal work if they [were] ... encumbered with a floating population of Asiatics in their midst". As Pillay[213] has pointed out, this claim was preposterous as Transvaal Indians were not a migratory community.

However, Lagden was prepared to support an extension of privileges to the Indians who could show, by their scale of trading and style of living that they could "justify their presence in public thoroughfares".[214] (As Pillay has noted, many whites in Johannesburg and Pretoria would have found it difficult to justify their use of pavements.[215]) He made it clear that he had no patience with "educated Indians who perpetually memorialized and agitated" for social

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[213] Pillay, British Indians, p. 92.

[214] SNA 2/46/01, Lagden to Executive Council, 25 January 1902.

[215] Pillay, British Indians, p. 93.

equality with Europeans.[216]

Therefore, Lagden proposed that lower castes, that is the majority of Indians, ought to be accommodated in special bazaars where they could trade and reside under regulations of a "restrictive but beneficial character". Men of high caste, however, ought to be exempted and offered "liberal privileges" whilst the law on the ownership of fixed property should be amended to enable land in special areas to be set up as bazaars. Finally, he suggested the introduction of an immigration law, exactly what Chamberlain had so vehemently opposed in 1896 when Kruger had attempted to retain an immigration act unfavourable to British subjects.[217] In a later memorandum[218], Lagden advocated the use of the term "bazaar" on all occasions when the term "location" would normally be used because "location [is] supposed to be an offensive term". He was also more specific on his proposals for an immigration restriction act "designed to prohibit the entry of virtually all Indians" unless they came under a work contract.

Solomon[219] agreed with all of Lagden's points save that he argued that there was no need for a new immigration law because the current influx control legislation allowed the government to refuse entry to persons listed on a special schedule. Davidson, the acting Colonial Secretary[220], also supported Lagden, but urged the introduction of

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216 SNA 2/46/01, Lagden to Executive Council, 25 January 1902. Also, Lagden Papers, Mss Afr S, 210/2/7, Lagden to Milner, 4 January 1902.

217 GOV 579/PS 261, Milner to Chamberlain, 26 March 1902; and M Swan, Gandhi. The South African Experience, p. 96.

218 LTG 97/97/4, 'Memorandum by Commissioner of Native Affairs on Indian Question, 18 March 1902'.

219 PS 91, 'Memorandum', Sir Richard Solomon to Executive Council, February 1902.

220 Ibid., Memorandum by Davidson, February 1902.

special regulations for the "sanitary control" of Indians owing to their peculiar and often "offensive and sanitary objectionable habits and customs". Also, he believed it necessary to protect Indians who understood little English and were physically weak and "constitutionally timid after centuries of misrule, which induced the habit of silent submission to ill-treatment and extortion". Hence, Indians required an identity card which needed to be checked annually!

Patrick Duncan[221], the Colonial Treasurer, also claimed that sanitary considerations were a priority. Therefore, the Government had "ample justification" to compel Indians to live and trade in locations. Like Lagden, he advocated relaxing the ruling to accommodate "persons of known respectability and civilized habits". Duncan also considered it prudent to realise, that any repeal of laws and municipal regulations, which affected Indians, would embitter whites. It was essential to have a judicious enforcement of such laws and regulations to minimise incidents and hardships. Therefore, as the priority in the Transvaal was to create a large white population, whites needed to be given sufficient inducement to settle in areas suitable to them whilst Indians could be allocated those areas in the north east which were too hot for whites.

Wybergh[222], Mining Commissioner, and a close associate of Lagden, urged the Government to accept the principle of segregation in all Indian matters but did not object to Indian investment in trade within white areas. However, he stressed the need to avoid "close personal contact between the two races". An exception needed to be made for the Indians of "education and attainment" whose position justified it. Finally, like Duncan, he proposed rural segregation to give Indians

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221 Ibid., Memorandum by Patrick Duncan, 14 February 1902.

222 Ibid., Memorandum by Wilfred Wybergh, February 1902. Wybergh was later to advocate segregation as the solution for "native policy": 'Native Policy. Assimilation or Segregation', The State, March and April 1909, pp. 292-304 and pp. 455-64.

land unsuitable for whites.

A major omission in all these memoranda, Pillay[223] has suggested, was the failure to discuss those officials who had to handle Indians exempted from the discriminatory laws, as these people seldom erred on the side of generosity when prosecuting. Such an omission can only have been due to lack of real concern.

Indian affairs dominated the Executive Council meeting of 24 March 1902.[224] The eventual resolution passed indicates just how much Milner agreed with Lagden. Only on the question of immigration restriction did Milner not stick to Lagden's memoranda. Even then, as he noted, such a law was "desirable ... if we could stick [to] it".[225] Milner strongly suggested that the Colonial Office would object to such a law. Nevertheless, Maureen Swan has pointed out that it was Lagden's report which formed the basis of Milner's first attempt to delineate Indian policy, and that "most of it was eventually translated into legislation".[226] As is evident, the resolution reaffirmed Law 3 of 1885.

Amongst the clauses of Resolution 97 of 1902, the following need to be noted: All Asians, whether resident in the Transvaal or later entering it, were required to take out certificates of registration at an annual charge of £3. Further, registered Asiatics, unless living on the premises of a European employer, were required to carry on their businesses in special areas of towns specifically set aside for Asians. The site of these Asiatic townships would be determined by the Government. However, the control of the Asiatic townships would be

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223 Pillay, British Indians, p. 97.

224 Lagden Diary, 1902, 24 March.

225 GOV 579/PS 261, Comment by Milner on draft.

226 Swan, Gandhi, p. 97.

exercised by local authorities, in accordance with Municipal regulations approved of by the Governor.

Certificates of registration could be refused if the applicant was suffering from an infectious disease, or was considered to be of bad character or without employment or means of subsistence. Exemption from registration could be granted to those Asiatics who possessed a certain degree of education and civilized habits of life. It was also decided that the laws prohibiting Asiatics from owning real property be repealed, but the rights of Asiatics to acquire such property be restricted to urban areas, for a period of five years.

Resolution 97 created a major dilemma for the Colonial Office. There was great reluctance under Crown rule to sanction any measure which contradicted pre-war policy which could not be defended in Parliament. However, minuting on despatches by Colonial Office officials reveals considerable sympathy for Milner. Just[227] admitted that "for the present it would be impossible ... to come down at one leap, to the position which [is] advocated by Milner". Hence, the official reply to Resolution 97 reflected Colonial Office ambivalence on the Indian question: there could be no discriminatory legislation unless it was defensible on sanitary grounds. However, the proposals were not dismissed entirely.

In April 1903, Transvaal Government Notice no 356, the "bazaar notice" reasserted that the majority of Indians would be confined to "bazaars" for both residence and trading. An improvement added was that exemptions were offered to those Indians who had held pre-war licences to trade outside locations.[228] The displeasure of the Indian Government, at this measure, became obvious when it refused to allow

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227 CO 291/35/13080, Milner to Chamberlain, 3 April 1902, Note by Just. Quoted by Swan, Gandhi, p. 97.

228 Ibid.

labour recruiting in India, by the Transvaal Government for railway construction, unless all Indians who had previously traded before the war in the Transvaal, whether with or without licences, were now to be given licences to trade in the pre-war sites.[229]

By this stage, Lagden was no longer responsible for Indian affairs. Under pressure from "home" [Colonial Office], Milner had decided to transfer the portfolio to the Colonial Secretary as our "Baboo friends are very sensitive on points of form".[230] However, it is very unlikely that Indian matters would have been dealt with differently if they had been retained by Lagden.[231]

Africans and the Native Affairs Department.

A constant theme in reports accompanying legislation for Africans was that they would receive, under British rule, far more equitable and efficient treatment than in the past. Such claims, first made in 1901[232], were regularly reiterated. There is much evidence to suggest that these claims were ill-founded and deceitful. Indeed, African claims that they were worse off under British rule, should not be dismissed as political rhetoric calculated to annoy and embarrass colonial officials. Indeed, with the exception of squatters on Crown lands[233], virtually all Africans resident in the Transvaal experienced greater interference in their lives from British administrators.

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229 Ibid., p. 98.

230 Lagden Papers, Mss Afr S, 210/2/7, Milner to Lagden, 11 April 1902.

231 For Lagden's later views, `Our Protectorates and Asiatic Immigration', The Nineteenth Century, September 1908, pp. 386-99.

232 SNA 11/442/01, Milner to Chamberlain, 3 December 1901.

233 Denoon, `Transvaal labour crisis', pp. 483-4.

Reference has already been made to the land issue and the widespread African expectations that land would be more accessible. In late 1902, Lagden revealed that he was aware of the great shortage.[234] He referred to the large "floating" population of Africans with "no homes ... [and who were] liable to be turned away ... with no place to go ... [and that] existing locations [were] full". Indeed, a location "for derelict people [had become] a necessity". Reports from all over the Transvaal supported his view. However, his solution was hardly likely to earn African gratitude. For instance, "in principle, he was decidedly against the establishment of large locations where Natives can feel that they are at liberty to go, if and when, they dispute with their masters and wanted to leave in a huff".[235] It would be preferable to induce them to settle on white-owned farms under the provisions of the Squatters Law. The NAD should attempt to obtain "sufficiency" but demands needed to be "comprehensive without being excessive".[236] Most important, land should not be appropriated for Africans which was "manifestly suitable" for white settlers.[237] Hence, to quote one example, pleas by Malakuti, a Pedi rival of Sekhukhune, failed to obtain land already owned by the Government, despite great loyalty and assistance during the war and his consistent rivalry with Sekhukhune who was considered to be a potential threat to British power.[238] Requests by the local commissioners, Hogge[239] and Armstrong[240], failed to move Lagden, who after some procrastination, pointed out that a Locations Commission was soon to be appointed and

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234 SNA 8/2771/02, Lagden to Native Commissioners, 6 December 1902.

235 Ibid.

236 Ibid.

237 Ibid.

238 Sekhukhune was the leading Bapedi chief in the eastern Transvaal and was regarded as a potential threat to British authority.

239 SNA 185/2994/03, Hogge to Lagden, 22 March 1903.

240 SNA 185/346/05, Armstrong to Lagden, 5 December 1904.

that its recommendations were not to be "anticipated".[241]

Similarly, with regard to the Squatters Law, there was an initial determination to effectively apply the law[242], but as Windham stressed, the "object" was "to check the abuse and not to handicap legitimate industry or enterprise".[243] However, the complexity and reality of the problem eventually led to the policy being abandoned. In mid-September, it was deemed prudent to leave Africans on Crown lands[244] alone, whilst in early November, the emphasis had shifted to a distribution of labour and acceptance that "Africans should not be disturbed when they are legitimately located"[245], and commissioners were instructed to employ "every caution", and to move "only with greatest circumspection".[246] Eventually, the Executive Council resolved that it was impossible to apply the Squatters Law in the Transvaal. One reason for this, as revealed by Wheelwright in Pietersburg, was that farmers were opposed to signing contracts with Africans and "averse to putting their names to paper". Indeed, by the end of 1903, only 385 contracts had been registered.[247] Without a signed contract, Africans had little chance in law suits concerning breach of contract.

Voicing a widespread grievance of Africans, in both rural and urban

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241 Ibid., Lagden to Armstrong, 25 April 1905.

242 SNA 113/551/03, `Conference of Native Commissioners', 7 March 1903.

243 SNA 181/1844/03, Windham to Native Commissioners, 6 August 1903.

244 Ibid., 19 September 1903.

245 Ibid., 4 November 1903.

246 Ibid.

247 SNA 181/2746/03, Resolution of Executive Council, 3 March 1903; and, SNA 198/389/04, Wheelwright to Windham, 11 February 1904.

areas, Koranta ea Becoana reported the opposition of NAD officials to allowing Africans to purchase land even though the owner was willing to sell.[248] In a later edition, Koranta claimed that the NAD was behind the opposition to prevent Africans from purchasing land in Kensington, east of Johannesburg. Here, Paulus Malaji of the Basuto Association had been prevented from purchasing a plot until a judgement by Mr Justice Wessels in his favour allowed the purchase to go through.[249] In 1905, the Reverend Edward Tsewu brought the title deeds issue to a head when he took a similar case to the Supreme Court.[250]

A major reason for the great demand to purchase land was revealed by the sub-commissioner at Pokwani when he reported on a meeting held with several African chiefs in the western Transvaal.[251] Evidently, since the war, rents had doubled or trebled, despite the crippling drought. Using a turn of phrase familiar to Lagden, they claimed that they were being "eaten-up" by the farmers and so they were unable to pay their taxes.

Lagden's prediction that the consolidated tax would yield a substantial revenue to the Government proved correct. It should be noted that the 1898 yield had been £120 000[252], itself the largest collection under the Republic. In 1903 the collection raised £277 189, in 1904 £407 680 and in 1905 £372 632.[253] Expenditure in the NAD for the corresponding

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248 Koranta ea Becoana, 17 August 1904.

249 SNA 250/215/05, Solomon to Marwick, acting SNA, 30 January 1905; and, Koranta ea Becoana, 9 November 1904.

250 This will be handled in Chapter 9.

251 LTG 124/110/42, Report by Sub Native Commissioner, Pokwani, 11 August 1903.

252 SNA 230/2012/04, This file contains translations of the Reports of the Superintendent of Natives for 1896, 1897 and 1898. Tax records were a major feature of such reports.

253 Figures obtained from Transvaal Statistics, 1901-1907.

years was £104 468, £88 343 and £100 832. As Koranta observed, it was all very well talking about the African contributing a measure of taxation "in return for protection and similar rot", whereas it was the Transvaal Government who was the "debtor".[254] Material in the Transvaal Archives clearly shows that the collection of taxes left much to be desired. Solomon, as Attorney-General, periodically had to issue warnings to the SNA about illegal activities during tax collection.

For instance, widows were not liable to have cattle seized to pay tax arrears for their late husbands, nor were the [Coloured] Buys family liable to pay tax because they were not "aboriginal Natives".[255] Yet there were several attempts to tax both. Lagden's comments on this were that it would be "injudicious ... to let them [the Buys family] get out of control".[256] In addition, General Tobias Smuts, a Republican notable, had cause to complain about South African Constabulary tax collectors coercing youths over 16 years of age to pay taxes. He alleged that the "non-payment of taxes [was] being used as a reason to force young Africans to go to the Mines". The Reverend Edward Tsewu was able to substantiate the claim.[257] Meanwhile, in Britain, W Norton, an investor with land interests in the eastern Transvaal, complained to the Colonial Office that the consolidated tax had caused the African to become "not only merely discontented but absolutely disloyal", and it had also had a "grave effect on the morals of the younger Natives".[258]

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254 Koranta ea Becoana, 8 August 1903.

255 SNA 250/215/05, Solomon to Marwick, acting SNA, 30 January 1905.

256 SNA 257/474/05, 'Conference of Native Commissioners', 17 February 1905.

257 LTG 126/110/96, Smuts to Solomon, acting Lieutenant Governor, 12 November 1904; and, SANAC IV, para. 43628, evidence of Revd. Edward Tsewu.

258 LTG 123/110/31, Norton to Lyttelton, 10 December 1904.

Much criticism was directly levelled at the NAD and specific members of staff. Koranta claimed that officials of the Transvaal NAD "displayed characteristic anxiousness in instilling contempt for British rule in the Native mind, by carrying out their duties with undue excess and convincing the latter that the Dutch code was preferable to the present".[259] Another edition quoted an official who had announced that "the British [were] not going to coddle with the Natives as did the Boers".[260]. Later, it protested that the "treatment of Natives by the Governments of the Transvaal and the Orange River Colony were very unpleasant to our poor people ... [and that the] treatment of the late government was, to a certain extent, in a superior or more excellent manner".[261] Hence, it gave great prominence to the pronouncement, in its columns, of Chief Segale K Pilane[262], a keen supporter of the Imperial cause during the war, that the "Law of the British Government in the Transvaal [was] very heavy and surpasses by far the Boer Government". Similarly, the Native United Political Association of the Transvaal argued that "the deteriorating influences of the [NAD] had caused the decline rather than maintained Native estimation of the British ideals"[263] and then launched a full scale attack on British policies.

Prominent amongst the complaints was "the undermining of the Chiefs"[264] by the British. The Pass Law was regarded as being "repugnant as it

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259 Koranta ea Becoana, 23 March 1904.

260 Ibid., 18 July 1803.

261 Ibid., 8 August 1903.

262 Ibid.; also, SNA 186/3043/03, Williams, Magistrate, Mafeking, to SNA, 15 August 1903.

263 GOV 1012, 50/35/06, p. 3, Petition of the Native United Political Association of the Transvaal, 1906.

264 Ibid., pp. 3-4.

[was] antagonistic to the liberality of the Natives".[265] The Native United Political Association believed that the war between Briton and Boer was now being paid for by African taxes.

Two prominent members of the NAD merit special mention. One, Pritchard, Chief Inspector and Pass Officer in Johannesburg whose staff found that in over 3 000 cases of worker complaints about treatment at the mines, only thirteen were justified.[266] He was also largely instrumental in deciding that no Africans should be allowed to engage other Africans for work because such people "often absconded without paying [their] labourers" and were "nominally interested in work, but actually [wanted] to loaf".[267] Whilst both Lagden and Windham realised that a minority would suffer, they agreed with Pritchard that the "privilege" to employ people had been abused by "irresponsible, idle and dissolute Natives" who were incapable of "grasping their responsibilities", were ignorant of the Pass regulations and were unable to properly record the work performed. Indeed, they were "generally unable to control or to enforce discipline" among their workers.[268]

The second person was C Wheelwright, the NC for Zoutpansberg, who in a "very irregular and high handed action" authorised court messengers to seize African cattle in lieu of alleged debts to the Israelsohn Brothers, without allowing the Africans to answer the charges.[269] After complaints, Sir James Rose-Innes, the Chief Justice, and Solomon, the Attorney-General, both agreed that Wheelwright's conduct was

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265 Ibid., p. 4.

266 SNA 45/1458/02, 'Report of Chief Inspector'.

267 SNA 208/617/04, 'Complaint of JM Makhotle', 16 March 1904.

268 Ibid., 'Memorandum on Native Contractors', SM Pritchard, 21 April 1904.

269 Koranta ea Becoana, 14 October 1903.

"grossly irregular, high handed and extra-ordinary".[270] Ironically, of all the commissioners, Milner believed Wheelwright to be "outstanding".[271]

However, as far as the treatment of Africans was concerned, other government departments were no different. Quoting the Native Eye,[272] Koranta[273] alleged that although the Government claimed that lashes were not inflicted on Africans except for second offences within three years, lashes were still being inflicted on Africans "not only by tributary sentences, but also by street orders of some officials". Also, the treatment of Africans on railways was "signalised by the most brutal tyranny" and "men in authority [had] deliberately misinterpreted the statutes and carried out one law for the white subject and another for the black". In education, Fabian Ware, the Director of Education in the Transvaal, had announced that only schools under the "supervision" of a white would be entitled to a government grant. As for justice, the same judge had sentenced two Africans to hang for raping white women, whilst two whites who had raped Africans, received one and three years respectively. Scant wonder that Africans had become disillusioned with British rule.

The Chinese Labour Campaign.

A dominant feature of the reconstruction period was the failure of the goldmines to attract sufficient numbers of African labourers to meet the pre-war levels of production of 1898, let alone provide the labour

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270 LTG 123/110/32, Secretary, Law Department, to Lieutenant Governor, 13 October 1903.

271 Lagden Diary, 1902, 14 October.

272 There are no extant copies of the Native Eye. However, for details on the newspaper and its editor, Levi Khomo who was also Secretary of the Transvaal Native Vigilante Association, see SNA 212/749/04 and SNA 215/849/04.

273 Koranta ea Becoana, 23 March 1904.

for expansion to utilize the capital injected by European shareholders in the post-war months of 1902. This was despite the implementation of the modus vivendi in Mozambique. As illustrated in Figure 1, it was only in June 1905 when the pre-war level was reached and the ratio of white to African workers was restored.

Figure 1. Employment on the Goldmines.[274]

		Whites	Africans	Chinese	Ratio of Whites to Africans (and Chinese)
1898		10 684	82 062		1:8.5
1902	June	6 588	28 613		1:4.3
	December	9 878	42 305		
1903	June	11 187	60 200		1:5.3
	December	12 044	67 061		
1904	June	12 730	68 714	1 004	1:5.4
	December	14 346	75 742	20 885	
1905	June	16 158	94 619	41 340	1:8.4
	December	17 248	82 842	47 267	

Similarly, with regard to production and value figures, it was only in the second half of 1904 that the 1898 figures were reached.

Figure 2. Production figures of Goldmines.[275]

	Fine ozs	Value in £
1897-8	3 614 385	15 141 376
1902-3	2 787 764	11 739 124
1903-4	3 603 776	15 307 874
1904-5	4 680 801	19 881 995
1905-6	5 534 917	23 510 819

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274 Statistics derived from B Sachs, South Africa. An Imperial dilemma, pp. 328-45.

275 Ibid.

Whilst the figures clearly illustrate the steady rate of recovery and the return to normality, they belie the crises and tensions experienced by Milner's Administration, the Mining Magnates and the Transvaal, in general, over the future of the Mines to immediately attain pre-war figures despite the signing of the modus vivendi and the controversial importation of Chinese labourers between 1904 and 1907.

In late 1901, Milner informed Chamberlain[276] that there was an "abundance" of Africans prepared to do surface work on the mines but that the number of those who were willing to go underground was "limited". He believed that "many" Africans in Mozambique were "anxious to come" but were prevented from doing so by the refusal of the military authorities to provide transport. By July 1903, his optimism had been severely tempered and he was forced to admit to Chamberlain that his one "great anxiety" was labour and that it was "quite evident" that Africa could not supply the labour required.[277] Lagden's thinking paralleled that of Milner. In September 1902, he informed Spender[278] that the "shortages at present [were] to be expected" and that this was not realised by the "multitude" who had shown "too great an expectancy for a return to immediate prosperity". In a similar vein, he informed Hogge[279], NC for the Eastern District, that increased pay would not attract many additional labourers because of the "season of the year, the home conditions of the Natives being full of money and food - and the general unsettlement, [were] sufficiently deterrent to any rush to the the Mines". In October, Lagden spoke of his opposition to the importing of Chinese or Asiatic labour because Africa should have to provide "its own labour supply from its own unoccupied millions".[280]

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276 Headlam, Milner Papers, II, pp. 297-8, Milner to Chamberlain, 15 November 1901.

277 Ibid., p. 465, Milner to Chamberlain, 13 July 1903.

278 Lagden Papers, Mss Afr S, 174, Lagden to Spender, 6 September 1902.

279 SNA 733, unsorted, Lagden to Hogge, 2 September 1902.

280 Lagden Papers, Mss Afr S, 174, Lagden to Spender, 12 October 1902.

By 26 December, he admitted to being "worried about the labour question".[281] Then, on 1 January 1903, he informed Spender that "My private opinion is that Chinese labour will have to come".[282] Interestingly,as Andrew Duminy[283] has shown, Percy FitzPatrick, President of the Chamber of Mines, only became a convert to Chinese labour after March 1903.

Whilst there is no conclusive evidence that Chamberlain agreed, when in Johannesburg, to approve the importation of Chinese labour, Lagden's diary clearly shows that the labour crisis being experienced in the Transvaal, was extremely serious and that Africans were unlikely to meet the requirements. Despite their personal antipathy, Lagden and Chamberlain met on several occasions to discuss the situation in depth.[284]

Lagden personally believed that white labour was no solution to the labour shortage because whites would refuse to work alongside of "Kaffirs".[285] However, despite the experiments of Creswell[286] and the interest of Wybergh[287], the leading magnates rejected white

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281 Lagden Diary, 1902, 26 December.

282 Lagden Papers, Mss Afr S, Lagden to Spender, 1 January 1903.

283 A Duminy, `The political career of Sir Percy FitzPatrick, 1895-1906', unpublished Ph D thesis, Natal, 1973, pp. 227-42.

284 Lagden Diary, 1903, especially 20 January.

285 Lagden Papers, Mss Afr S, 174, Lagden to Spender, 6 September 1902.

286 A mine manager, Creswell later became the leader of the Labour Party. For details of his experiments with white labour, D Tickton, `White labour's attitude, 1902-1904, towards the importation of indentured Chinese labourers by the Transvaal Chamber of Mines', Africa Seminar: Collected Papers, Vol 1, 1978, S Archer and C Saunders (eds), p. 67.

287 It would appear that that Wybergh's unpopularity with many magnates was due to his interest in the greater utilization of white labour (Transvaal Labour Commission, p. 612 ff.) as well as his "knack of antagonizing people" as suggested by Duminy, `Sir Percy FitzPatrick', p. 193.

labour on both economic and political grounds.[288] Chinese labour had first been mentioned in 1898, but it was only in late 1902 and early 1903, that the majority of the magnates began to advocate Chinese labour as a necessity.[289] Indeed, FitzPatrick regarded it as a last resort after all else had failed.[290]

Explanations for the labour shortage were many and it was impossible to single out any predominant factor. Indeed, Lagden maintained a fairly rational approach to the problem. He believed the fifty per cent shortfall to the mines could be explained by a variety of reasons such as:

> works incidental to the war, development, railways, army of occupation, wage question - during the military occupation wages rose abnormally and absurdly, good wages above ground [whilst] many never [want to] go underground.[291]

Further, there was the "non-consenting" attitude of the Foreign Office with regard to recruitment in British Central Africa. He could have also pointed out that the large numbers of Africans who were squatting on Crown lands were benefitting from, an albeit temporary, neglect from the NAD officials with regard to the collection of rents and taxes.[292]

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288 Ticktin, 'White labour's attitude', p. 73, quotes Herbert Samuel, a British Liberal MP: "No one who is acquainted with the views that prevail among the circles of South African finance would seek to deny that this dread of a second Australian democracy influencing the political and economic future of the Rand is one of the chief motives that direct the policy of the more far-sighted men among the groups".

289 Ibid., p. 66.

290 The Star, 26 February 1903, quoted FitzPatrick as saying "The resources of South Africa have to be exhausted before we shall look elsewhere for unskilled coloured labour".

291 Lagden Papers, Mss Afr S, 174, Lagden to Spender, 1 January 1903.

292 Transvaal statistics indicate that in 1903 £595 was collected from squatters on Crown lands, in 1904 £8 498, 1905 £11 528 and 1906 £15 151. It is probable that the collection of the poll tax was similar. There were about 25 000 adult males eligible for the squatter rent and poll tax.

This is explained by prior concerns elsewhere, along with the failure of the Republican regime to allocate and delineate reserves for Africans in the northern districts, as laid down by the Pretoria Convention.

There were other reasons of equal importance. There can be little doubt that the appalling mortality rates on the mines were due to accidents and disease. Whilst it must be conceded that rate was dramatically cut, it remained at an unacceptable level up to 1906 and beyond.

Figure 3. Mortality rates on Goldmines[293]

	Annual Average Deaths per 1 000	Worst Month Deaths per 1 000	
1903	70.07	July	112.54
1904	38.38	July	58.97
1905	42.59	June	51.92
1906	30.12	January	43.32

A medical committee, headed by Dr LG Irvine[294], was appointed by Lagden and the Chamber on February 1903, to report on the mortality rate amongst Africans employed on the Goldmines. It reported in May 1903 and found that the annual death rate for the period under review, November 1902 to April 1903, was 57.7 per 1 000, a rate similar to Kimberley's.[295] If read at face value, the report would suggest that with a few minor changes the conditions under which Africans were living and working were acceptable. However, as is shown by Figure 3, within three months of the report appearing, the mortality rate for July 1903 reached 112.54 per 1 000. For the entire year, the rate was

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293 Sachs, South Africa, pp. 328-45.

294 TAR: NAD, 1902-3 , pp. C36-43, 'Report on mortality amongst natives employed on the mines of the Witwatersrand'.

295 Ibid., p. C36.

70.07. One can only conclude that the medical officers must have turned a blind eye to the many glaring abuses and that their investigation was not as thorough and comprehensive as it should have been. The limited suggestions such as the provision of a "suitable" diet, including soup and "army" biscuits, with varied vegetables and a regular supply of meat, can only be described as palliative.[296] Further, the observations on dysentery, such as the provision of latrines and clean drinking water, suggests that such services were often not normally provided.[297] Lagden never attempted to legislate such precautions. Rather, he preferred to appeal for the cooperation of the Mining Companies. As he informed FR `Matabele' Thompson:[298]

> A great deal has been done to better the conditions. They were formerly shocking. They are daily getting better. My object has always been to inspire the great capitalists and the great Mine managers, with the feeling that apart from human instinct it is and must be to their material advantages to attract Native labour.

Lagden knew from personal experience that whilst some companies did implement reforms, others, notably Robinson's, were most reluctant to spend any money and time on their African labourers.[299] The Chamber of Mines was self-congratulatory. Writing in early 1904, Howard Strange noted that "the improvements of quarters, the provision of change houses ... and liberal additions to diet have had a marked effect on the dimunition of the death rate ... we can certainly claim that the mine compounds leave very little, if any, room for criticism".[300]

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296 Ibid., pp. C41-2.

297 Ibid.

298 A former associate of Rhodes, Thompson was to be one of the Cape representative on SANAC; SNA 738, p. 28, Lagden to Thompson, 15 June 1903.

299 Jeeves, `The control of migratory labour', p. 18 and FN 72.

300 Transvaal Chamber of Mines, Annual Report, 1903, p. XLVIII.

Desertion must be seen largely as a result of the living conditions as well as the brutality of the treatment given to African workers and recruitment agent deception over wages. As Lagden told the Transvaal Labour Commission, Africans seldom received the wages promised because of outright deceit as well as deductions for transportation to the mines.[301] Nonetheless, Sir George Farrar, 1903 President of the Chamber, considered it to be "attributable in a great measure to the inherent restless spirit of the Native himself and his reluctance to remain for a continuous lengthened period in the service of one employer or in one district".[302]

It appears that no Government official ever considered the living and working conditions to be amongst the major reasons for the labour shortage. Further, it took Lagden and Milner quite some time to realise that African societies in southern Africa were unable to provide the thousands of males to meet the needs of an ever-industrialising Transvaal. The sudden drop in recruitment from Mozambique, in late 1903, helped to bring home this message.[303]

In an endeavour to demonstrate that there was a genuine labour crisis in the Transvaal, Milner appointed the Transvaal Labour Commission (TLC). Chaired by A Mackie-Niven[304], the TLC was dominated by Rand financiers and its conclusions were later rejected by Louis Botha[305] because of its unrepresentative nature. It was appointed to enquire

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301 In 1903, 3 164 Africans deserted from the mines whilst 5 022 died from disease or accidents, Richardson, Chinese Mine Labour, p. 20.

302 Transvaal Chamber of Mines, Annual Report, 1903, p. XXVI.

303 In 1902, 38 631 labourers were recruited from Mozambique; in 1903, 43 625 were recruited but towards the end of the year, levels of recruitment dropped dramatically; in 1904, 27 633 were recruited, Richardson, Chinese mine labour, p. 21.

304 A leading financier and friend of FitzPatrick.

305 CO 291/68, M 450, 'Statement on Labour Commission', signed by Louis Botha, SW Burger, JH de la Rey and others; enclosure in Milner to Lyttelton, 11 February 1904.

into:

> what amount of labour [was] necessary for the requirements of the Agricultural, Mining and other Industries of the Transvaal and to ascertain how far it [was] possible to obtain an adequate supply of labour to meet such requirements from Central and Southern Africa.[306]

In his evidence, Lagden[307] outlined his policies thus far and attempted to explain the failure of the WNLA to satisfy the Transvaal's labour needs. More important, he held out little prospect of South African supplies being increased. Significantly, he defended his Crown land policy and claimed that as such lands were disposed of, resident Africans would have to move. As for the present, they were "useful" areas for labour recruitment.

The TLC eventually reported in November 1903. However, the commissioners were unable to produce a unanimous report. The majority, the Rand financiers, concluded that there was no adequate supply of labour in Central and Southern Africa to meet requirements.[308] The minority, Quinn and Whiteside[309], advocates of white labour, argued that there was sufficient labour in Central and Southern Africa for requirements but that an "effort would be required" to obtain it. They believed that the "so-called" shortage was largely due to temporary and preventable causes. Further, that there was sufficient labour in the territories of South Africa for future requirements and that this needed to be supplemented and superseded by white labour.[310]

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306 Transvaal Labour Commission, p. 1.

307 Transvaal Labour Commission, evidence of Sir Godfrey Lagden, pp. 82-93.

308 Ibid., p. XXXVI.

309 JW Quinn was a leading baker in Johannesburg and chairman of the African Labour League whilst P Whiteside was the president of the Witwatersrand Trade and Labour Council.

310 Transvaal Labour Commission, p. XLVII.

Nevertheless, Milner was able to justify the need to import Chinese labour.

Lipitso.

In the meantime Lagden was busy holding lipitso with various African groups in the outlying districts of the Transvaal. All told, he addressed five lipitso.[311] At Warmbaths, he addressed a crowd of over one thousand who "laboured the land question".[312] From remarks in his diary, Lagden appears to have had some sympathy for them. He noted:

> The problems [were] very difficult and [I did not] yet see the way out of this. Want of sympathy from my colleagues is very difficult.

It seems that the Africans were asking for the locations promised in the Pretoria and London Conventions to be granted.

The Rustenburg pitso on 7 September was reported, at length by Koranta ea Becoana.[313] Lagden's suggestion that more thought be given to irrigation received enthusiastic support. Three other issues merit attention. Lagden reiterated his well-known opinion that "the days for big locations are past. The land is not now available". Second, he informed his audience that "the cry of the hour is work ... [they] must listen to the cry ... [they must] enter into the spirit of the existence and the life of this country ... this cannot be done by sitting down and remaining idle ... every man whose presence is not required at his home should go out to work". With regard to relations with the Boers, Lagden stressed that the African "must recognise that respect is due to his master, no matter who the master may be". He concluded that if they did not work, they would "go to pieces and will

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311 Lagden Diary, 1903, 11 August Warmbaths; 15 August Olifants River; 23 August Komatipoort; 9 September Rustenburg; and, 17 September Hammanskraal.

312 Ibid., 11 August.

313 Koranta ea Becoana, 9 September 1903.

lose all they possess".

Similar sentiments were repeated at Hammanskraal[314] when the crowd of one thousand were informed that they would increasingly have to "lean upon their labour and energy" if they hoped to survive. He stressed that he was especially addressing those who had no land and "who perhaps are expecting me to give it to them". However, Koranta's report emphasised the grievances of the people. Prominent complaints were that the Boers did not know how to treat their servants, that the poll tax of £2 "pressed very hardly upon them", that they had lost as many cattle and much property to the British as to the Boers, and that African passengers on the railways had to travel in cattle or coal trucks. Finally, they pleaded for permission to keep their guns so that they could be protected from the "ravages of tigers and other wild animals"!. Surprisingly, Lagden considered that he had held a "good meeting".[315]

By the end of September 1903, Lagden had been in the Transvaal for almost 15 months. They had been fifteen very busy and hard months. He had a very good grasp of the problems that he had to face. As became evident in his lipitso, he must have been well aware that large numbers of Africans were dissatisfied with British rule because their aspirations had not been met. Perhaps more important to Lagden was his realization that the Transvaal public, in general, and the Milner Administration, in particular, were not really concerned with African rights. Indeed, it would appear that Africans were only regarded as labourers and servants. From the initial meeting of SANAC in September 1903, until the advent of responsible government in March 1907, Lagden faced a major dilemma. How could he placate Transvaal Africans and give them, what he believed, to be a fair deal, whilst winning white support for his policies? This was an insoluble problem and was to cause Lagden much anguish and pain. Indeed, it was a task beyond his mental and personal abilities.

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[314] Lagden Diary, 1903, 17 September; Koranta ea Becoana, 23 September 1903; and, De Volksstem, 24 September 1903.

[315] Lagden Diary, 1903, 17 September.

CHAPTER 7

THE SOUTH AFRICAN NATIVE AFFAIRS COMMISSION: MARCH 1903 - SEPTEMBER 1904.

The Bloemfontein Conference, March 1903.

The origins of the South African Native Affairs Commission (SANAC) go back to the Inter-Colonial Customs Conference planned for March 1903 in Bloemfontein. Joseph Chamberlain had suggested that the Conference include a general discussion of the "native question".[1] As FR Moor (Natal) and Colonel WE Stanford (Cape) had been included in their colonies' delegations, Milner decided to include Lagden in the Transvaal party. Milner told Lagden that he opposed the linking of subjects which had "no essential connection" and that he did not see any possibility of anything practical being achieved.[2] However, Lagden was told that he must avoid "any foolish measures" being advocated.[3] That Lagden did play a prominent role in Bloemfontein was undoubtedly due to Milner's influence.

In a lengthy speech which said nothing new[4], Lagden informed the delegates of the "wide differentiation" that existed in South Africa in the administration of Africans. Whilst "unity was most desirable ... to hurry it, might delay it". Further, "drastic measures" would be a mistake and "might unite the Native races in any common cause". Therefore, the function of the Conference towards the "Native Question" should be limited to a few "temperate" resolutions to influence the public.

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1 Milner Papers, FK 1147, p. 1388, Milner to Lagden, 17 February 1903.

2 Ibid., pp. 1338-9.

3 Ibid., p. 1389.

4 Lagden Papers, Mss Afr S, 213/5/2, `Bloemfontein Conference Draft'. Also, Stanford Papers, F 16, `South African Customs Conference, March 1903', contains an account of the Native Affairs Committee proceedings.

Lagden considered that "legislation [was] a weak weapon compared with enlightened public opinion and cooperation". He urged the delegates to be careful when dealing with "established procedure" until there was something more suitable to put in its place. Further, no legislation should "admit of any interpretation of slavery or forced labour". However, Africans had to realise that they must contribute to the "Revenues" of the State, especially as they received "protection" and the "reservation of land in trust" for them.

The adopted resolutions clearly reveal the extent of Lagden's success. Resolution VIII[5] was particularly significant:

> after considering all available statistics and hearing reports of the highest official authorities of the several states, [the conference had] come to the conclusion, that the Native Population of Africa, South of the Zambezi, does not comprise a sufficient number of adult males capable of work to satisfy the normal requirements of the several Colonies, and at the same time furnish an adequate amount of labour for the large industrial and mining centres. Under these circumstances, it is evident to the Conference that the opening of new sources of labour supply is requisite in the interests of all the South African states.

As Duminy[6] has pointed out, the door for Chinese labour had been opened without actually being mentioned.

Finally, Resolution X[7] was to become particularly relevant to Lagden:

> in view of the coming federation of the South African Colonies, it is desirable that a South African Commission be constituted to gather accurate information on affairs relating to Natives and

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5 The Star, 20 March 1903.

6 Duminy, 'Sir Percy FitzPatrick', pp. 232-4.

7 The Star, 20 March 1903; and, SANAC 1, para 1.

> their administration and to offer recommendations to the several Governments concerned with the object of arriving at a common understanding of questions of ... policy. Such a Commission [should] consist of two representatives from each of the Colonies, and one each from Rhodesia and Basutoland, with the addition of a Chairman to be nominated by the High Commissioner.

Soon after the Bloemfontein Conference, Lagden appears to have become convinced that it was impossible for the Transvaal's labour needs to be met by Africans from south of the Zambezi. In a pessimistic frame of mind, he informed Spender that "From all the signs [he could] read, and all the data [he could] collect", he did not believe that the ever-increasing demands for labour could be met.[8] Milner agreed. He informed Chamberlain that despite all the "improvements" of increased wages, more efficient recruitment and better living conditions, there were still not enough African labourers. The truth was, argued Milner, "they do not exist - not in these numbers".[9]

Hence, after the Transvaal Labour Commission had established, in October 1903, the inadequacy of the African labour, the Legislative Council would pass an Ordinance providing for the importation of "indentured Asiatics" in December 1903. Finally, the Chinese would arrive, "if they can be got", by January or February 1904.

Choosing the Commissioners.

In the meantime, EH Solomon, an unofficial member of the Transvaal Legislative Council, vehemently denounced the Native Affairs Department during a stormy debate. This persuaded Milner to take action on the Inter-Colonial Commission decided upon at Bloemfontein.[10] He

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8 Lagden Papers, Mss Afr S, 174, Lagden to Spender, 17 May 1903.

9 Headlam, Milner Papers, II, p. 465, Milner to Chamberlain, 13 July 1903.

10 Milner Papers, FK 1147, pp. 1394-1401, Milner to Lagden, 14 June 1903.

considered Lagden to be the "only proper Chairman" for the Commission. However, he felt that he had to caution Lagden that it was "not merely a question of labour but [also] of ... law and administration". Work would have to start pretty soon as the other governments favoured mid or late July. This Commission, Milner pointed out, was by "composition and function ... quite distinct" from the Transvaal Labour Commission.

Milner's choice of Lagden, as Chairman, was logical in that he would obviously be influenced by the High Commissioner and the needs of the Transvaal. However, as Milner was painfully aware of Lagden's weaknesses, apart from his already demanding work load, one suspects that Milner could have made a more appropriate choice. What may have influenced Milner was that the Natal Government favoured Lagden to head such a commission.[11] A point which does not appear to have been considered at all was the duration of the commission. Lagden had earlier intimated that two to three months would suffice.[12] However, as will become apparent, this was to be a grave miscalculation.

When Lagden departed for Cape Town on 26 September 1903, he commenced a period of incessant and trying administrative responsibilities. He was to continue as executive of the Transvaal NAD, as well as chair SANAC. The latter was, he noted, "a very large and anxious job".[13] Indeed, neither Milner nor any of the Colonial governments appear to have realised the enormity and scope of the commission. This became apparent in mid-1904 when all, save Lagden, desired a speedy conclusion to the investigation. Lagden appears to have deliberately attempted to ensure that a most thorough job be done in examining witnesses and visiting places of interest pertinent to 'native affairs'.

Lagden was accompanied by the two Transvaal delegates, Johannes Christoffel Krogh and JA Hamilton, These two men were chosen by Milner

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11 Lagden Papers, Mss Afr S, 210/2/7, Lagden to Milner, 18 April 1902.

12 SNA 736, pp. 125-6, Lagden to Moony, 7 March 1903.

13 Lagden Diary, 1903, 26 September.

and Lagden after a fruitless search to find suitable men. As early as June, Lagden had warned Milner that it would be difficult to find suitable representatives as the Transvaal had not produced candidates as were to be found in the Cape or Natal.[14] Originally, it was intended to nominate a Boer notable in the hope that such a choice would placate the Boers and win their approval for the subsequent report.

Louis Botha, Koos de la Rey and Schalk Burger, all of whom had acquired fame during the South African War, were considered at one stage or another. However, whilst they had been prepared to give evidence to the TLC, they were not prepared to serve on SANAC.[15] They were intimately associated with the formation of Het Volk. However, Botha was still smarting from press reaction to his evidence to the TLC when he was reported to have advocated that African locations be broken up.[16] Ultimately, Krogh, who had served every Transvaal administration since the 1870's and who had played a prominent role in Swaziland in the 1890's, was chosen.[17] He had been a strong supporter of Botha during the peace negotiations and had signed the Vereeniging treaty in May 1902. After peace returned, he was appointed Assistant Magistrate at Belfast in the eastern Transvaal. Especially during the compilation of the final report, Krogh gave solid support to his Transvaal colleague and supported measures to increase the supply of labour. Later, in 1910, when he was appointed as a Union senator to represent 'native interests', Africans regarded his nomination as "unfortunate".[18]

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14 Milner Papers, FK 1171, pp. 69-70, Lagden to Milner, 25 June 1903.

15 SNA 738, p. 64, Lagden to Milner, 25 June 1903.

16 Transvaal Labour Commission, 1903, p. 506. Botha favoured the "exploiting" (breaking up) of locations. See the September 1903 editions of the Cape Times for Cape reaction. Also, FN 33 of Chapter 8.

17 SNA 738, p. 123, Lagden to Solomon, 13 July 1903; ibid., p. 135, Lagden to Milner, 14 July 1903;and, ibid., p. 141, Milner to Lagden, 16 July 1903. Dictionary of South African Biography,III , 'Johannes Christoffel Krogh', JM Schoeman, pp. 484-5.

18 A Odendaal, Vukani Bantu! The beginnings of Black protest politics in South Africa to 1912, p. 254.

Both Milner and Lagden were keen that the second Transvaal representative be a leading magnate.[19] Both FitzPatrick and Farrar were considered before it was decided to approach George Goch, a former mayor of Johannesburg and personal friend of Milner. However, owing to pressure of work Goch declined. Eventually JA Hamilton was chosen.[20] He was a leading financier and the manager of the Johannesburg Consolidated Investment Company. He also served on several of the financial committees of the Chamber of Mines as well as being a director of the Barnato group. Significantly, the minority report of the TLC was to denounce his view that the Transvaal economic depression was solely the result of the shortage of unskilled African labour.

Perhaps the most experienced and capable of the Commissioners was Colonel Walter Stanford[21] of the Cape. His entire career had been devoted to 'native affairs' and by 1897 he had risen to Under Secretary of Native Affairs. In 1902 he had been appointed as Chief Magistrate for the Transkei. To Cragg, "Stanford was sensitive to the Bantu's desire for political development, economic security and just administration. Tireless in the defence of their rights, he was nevertheless aware of the political realities and consistently practical in his approach". However, in 1915 Sol Plaatje denounced him for supporting the 1913 Natives' Land Act.[22] Russell Martin saw him as "recognising the desirability of progressive assimilation but cautioning against any radical change". Stanford placed great emphasis on magistrates as "channels of communication" for Africans and as their "friends and protectors". He believed magistrates' functions to be "personal and human rather than bureaucratic".[23] Certainly, he was a

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19 SNA 738, p. 141, Milner to Lagden, 16 July 1903.

20 For a biographical sketch, A Duminy and W Guest (eds), FitzPatrick. South African politician: selected papers, 1886-1906, p. 532; and TLC, minority report, p. XLVII, art 75.

21 Dictionary of South African Biography, I, 'Walter Stanford', D Cragg, p. 766-8.

22 ST Plaatje, Native life in South Africa, pp. 413-5.

23 R Martin, 'Ideas and attitudes of Transkeian administrators in the late nineteenth century', unpublished BA Hons essay, University of Cape Town, 1975, p. 15.

colonial administrator with the associated attitudes and prejudices such as a belief in the dignity of labour and the need for evolutionary civilizing policies being adopted to mould African society.

The Cape's second representative was FR `Matabele' Thompson, a former Cape civil servant, associate of Cecil Rhodes and a fluent Bantu linguist.[24] Whilst employed by De Beers, he had devised the "closed compound" system.[25] He claimed to have assisted Rhodes in formulating his Glen Grey Bill in 1894[26] but broke with him, allegedly, because he deprecated the exploitation of the Ndebele by the British South Africa Company.[27]

Thompson told Milner that he was more than pleased to serve under Lagden and believed it to be a misfortune that Transkeian Africans preferred to make a living by "scheming and trading rather than by manual labour".[28] He could not think that "any system for the Transvaal will be better than ruling the Natives by maintaining the position and the dignity of the Commissioner or magistrate". He added that he was "daily becoming more convinced that some form of cheap labour will have to be imported" and that it was his "impression that a uniform system for a very long time will be impossible". When Milner showed Lagden the letter, the latter noted that he believed Thompson did not "enjoy the confidence of a good many who know him well, which I do not".[29] In contrast to Stanford, Thompson regularly voted in favour of harsher and more stringent measures being applied to Africans.

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24 Dictionary of South African Biography, I, `FR Thompson', FR Metrovich, pp. 743-4.

25 N Rouillard, Matabele Thompson, pp. 81-9.

26 Ibid., p. 225.

27 Dictionary of South African Biography, I, p. 744.

28 Milner Papers, FK 1171, pp. 71-2, Thompson to Milner, 18 June 1903.

29 Ibid., pp. 69-70, Lagden to Milner, 25 June 1903.

Both Milner and Lagden had expected FR Moor to represent Natal.[30] However, Natal was represented by SO Samuelson, Under-Secretary of Native Affairs, and Sir Marshall Campbell, a leading sugar farmer. In writing of Samuelson, Shula Marks[31] has noted that "had he been a man of forceful character or intellect, he could have been able to influence his changing political masters". His nickname of Vumazonke (`one who agrees to sell') and Ndambali (`Mr Facing-both-ways') aptly describe his role in dealing with Natal Africans. She continued:

> although he had an excellent knowledge of the Zulu language and a certain understanding of African customary law, he seldom expressed an original thought on the problems of African administration.

He was a firm believer in "separate development", progress along `parallel lines' and greatly increased powers for the Supreme Chief and his subordinates. He objected to regular communications between Magistrates and chiefs on the grounds that it would lead to complaints from farmers. As will become evident, Samuelson found himself regularly out of sympathy with Lagden.

The second Natal representative, Campbell[32], had followed a successful career in the sugar industry and amassed a large personal fortune through hard work and business acumen. He was a protagonist of South African rather than imported labour. He was convinced that the British Government had mishandled the Natal Africans because it had failed to teach them the habit of regular work and industry. He urged that Africans be educated and christianised but that their training be

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30 SNA 738, p. 64, Lagden to Milner, 28 June 1903.

31 S Marks, Reluctant rebellion: the 1906-1908 disturbances in Natal, p. 24. In January 1908, the Christian Express caused a sensation by publishing next to Samuelson's testimony before the Natal Native Affairs Commission, the exact sources from which it had been obtained,the Natal Native Affairs Commission, 1852-3.

32 Dictionary of South African Biography, II, `Sir Marshall Campbell', BJJ Leverton, p. 121.

along industrial lines.

From the Commission's view, the general aims of the Natal delegates were to complement those of the other representatives in their desire to stimulate labour. However, they were especially wary of the land recommendations because, unlike the Cape and the Transvaal which had African locations away from white farms, land-ownership in Natal was very mixed. Drastic land changes would cause major disruptions in the supply of labour and agricultural organisation.

Representing Basutoland was Lagden's successor HC Sloley. Respected by Lagden, Sloley held the confidence of the Basotho and in 1909 his name was mentioned on several occasions by Africans as being a suitable candidate for the Senate.[33] Southern Rhodesia was represented by TC Scanlen, a former Prime Minister of the Cape and Chairman of the South African Mutual Life Assurance Society.[34] In 1894 he became the legal adviser of the British South Africa Company. This resulted in his transfer to Salisbury where he became a leading member of the Executive and Legislative Councils. His duties as Administrator of Southern Rhodesia frequently caused him to be absent from SANAC sessions. Owing to his prolonged absences, his influence on SANAC was limited.

The Orange River Colony was represented by Captain Quayle Dickson and JB de la Harpe. Dickson was formerly an eastern Cape farmer, but after the British occupation of the Orange Free State, he became the Commissioner of Native Affairs in the new colony.[35] De la Harpe was a prominent farmer from the Ficksburg district.[36] At Lagden's request HM Taberer, the Native Commissioner from Pretoria, was appointed

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[33] Ibid., III, 'Herbert Sloley', A Jacob-Guillarmot, p. 742; and, Odendaal, Vukani Bantu!, p. 254.

[34] Dictionary of South African Biography, I, 'Thomas Scanlen', E Bradlow, pp. 624-6.

[35] TLC, pp. 507-8, Evidence of Captain J Quayle Dickson.

[36] I am grateful to PJ du Plessis: Free State Archives Depot for this information.

Secretary of SANAC.[37]

Press Reaction.

The Commission's opening in Cape Town drew widespread press comment. The Star[38] saw SANAC's task as "vital" for the coordination of policies before the achievement of federation. It applauded Lagden's appointment as chairman especially in the light of his Hammanskraal speech when he had refused to provide Africans with more land and urged them to seek employment. On the other hand, both Stanford and Samuelson were viewed as representatives of "failed policies" because of the inadequacy of Cape and Natal labour supplies to the Transvaal. Further, The Star felt that there should have been greater representation of Dutch-speakers. De Volksstem[39] also saw hope because of Lagden's speech.

The Rand Daily Mail[40] focussed attention on possible recommendations and urged the introduction of individual tenure into the Transvaal, the forcing of Africans to conform to white law and custom, and the offering of the "simplest industrial training" as education. Both the Cape Times[41] and the Eastern Province Herald[42] stressed the right of Africans to land security in locations. This was obviously a rebuttal of Botha's evidence to the TLC.

The African press viewed matters differently. An editorial in the Koranta ea Becoana[43] by Sol Plaatje, and reprinted in Imvo

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37 This appointment appears to have been made by Lagden but I have found no documentary proof of this.

38 The Star, 24 September 1903.

39 De Volksstem, 24 September 1903.

40 Rand Daily Mail, 23 September 1903.

41 Cape Times, 23 September 1903.

42 Eastern Province Herald, 23 September 1903.

43 Koranta ea Becoana, 21 October 1903.

Zabantsundu[44], adopted a very sceptical and hostile approach to SANAC. The choice of Lagden as chairman was criticised because of his lack of legal training. Sir James Rose-Innes, the Chief Justice of the Transvaal, was suggested as a more suitable choice. It also regretted the absence of a leading missionary and the exclusion of an African representative, even though Tengo Jabavu of Imvo, AK Soga of Izwi Labantu or FZ Peregrino of the South African Spectator, would have been useful members. In short, Plaatje believed that the labour interests of the Transvaal magnates would predominate as the Transvaal had equal representation to the Cape.

The Cape Town Session.

SANAC held its first meeting on 29 September. Lagden noted that it was a "difficult matter to get a start but we made it successfully".[45] After welcoming the delegates, Lagden expressed the deep interest felt by Lord Milner in the Commission. He then dealt with procedural matters and stated that voting would be by individuals rather than colonies, and if necessary, the Chairman would make a casting vote. Later, during formal discussions, Lagden emphasised that the task of the Commission was "too big a subject to hurry".[46] By October 5, the Commissioners had passed a list of subjects for discussion and was ready to commence.

Following Milner's instructions, witnesses would be asked to provide evidence on:

1. The status and conditions of the Natives; the lines on which their natural advancement should proceed; their education, industrial training and labour.

2. The tenure of land by Natives and the obligations to the State which it entails.

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[44] Imvo Zabantsundu, 27 October 1903.

[45] Lagden Diary, 1903, 29 September.

[46] Ibid., 30 September; and, Stanford Diary, 1903, 29 September.

3. Native land and administration.

4. The prohibition of the sale of liquor to Natives.

5. Native marriages.

6. The extent and effect of polygamy.[47]

The first witness was EE Dower, Cape Under-Secretary of Native Affairs. At the end of the day, Stanford noted that "Sir Godfrey ably presides as Chairman". SANAC continued to hear evidence in Cape Town until 23 October.

Dower stressed the positive aspects of Cape policy. He believed the African to have advanced "considerably"[48], to be making extensive use of the plough and to be taking great advantage of the franchise.[49] He assured SANAC that education not only increased the African's wants but also taught him the dignity of labour.[50] Perhaps the most significant part of his evidence was his tolerance of the Ethiopian movement and its leader, Bishop Coppin.[51]

Later, two prominent personalities gave their views. First, Bishop Coppin, and then, FZ Peregrino, the editor of the South African Spectator, provided SANAC with much food for thought. The African Methodist Episcopal Church (AMEC), according to Coppin, attempted to "do Christian work" such as preaching the Gospel and establishing schools

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47 SANAC, I, para 2.

48 SANAC, II, para 12.

49 Ibid., para 117.

50 Ibid., para 142.

51 Ibid., para 435; and, B Sundkler, Bantu prophets in South Africa, pp. 60-6.

as well as teaching religion, morality and "industrial enterprise".[52] He assured Lagden of the Church's loyalty and that he had found no evidence to suggest that his members had done "harm" in a political direction.[53] Peregrino disagreed with Coppin on AMEC activities and informed SANAC that he had attempted to draw Coppin's attention to "many foolish things" said by his ministers. Hence, it was from a "strong sense of duty" that he reported that several AMEC ministers were "rather reckless or foolish ... [and] had incited a large number of the [Africans] to believe that the presence of white men in the churches is not altogether the proper thing". He believed the AMEC to be "very desirous of getting power".[54] Like most Africans, he favoured the total prohibition of the sale of alcohol to Africans and cited the "beneficient effects" of the liquor law in the Transvaal.[55] Rather surprisingly, he stated that had there been less enfranchisement of negroes in the United States after the Civil War, a great many of the "present evils" might have been averted. Hence, he advocated that Governments in South Africa should "raise the people ... give them the franchise but let it be done gradually".[56]

The final days of the Cape Town session were dominated by John X Merriman. Apart from his vast personal abilities and experience, Merriman was a long-standing friend of Stanford. Signs of a clash between Merriman and Lagden were evident when they met socially on 20 October. Lagden noted that Merriman was "under his normal political mannerisms".[57] On 22 October, Merriman gave his evidence in a stormy and tense atmosphere. It is evident that he was determined to state his

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52 SANAC, II, para 2610.

53 Ibid., para 2667.

54 SANAC, II, para 3933; also, CC Saunders, `FZS Peregrino and the South African Spectator`, Quarterly Bulletin of the South African Public Library, XXXII, 3, March 1971.

55 SANAC, II, para 3953.

56 Ibid., para 3957.

57 Lagden Diary, 1903, 20 October.

views emphatically and spell out the advantages of Cape 'native policy'.

Merriman touched on all the headings for discussion and carried the attack to Lagden. He pointed out that individual tenure was not started at the Cape with the Glen Grey Act - a statement that surprised Lagden.[58] Ironically, much of what Merriman said should have struck a chord with Lagden. He insisted that the whole object of Cape policy - the "raising and elevating" of the African - was to give them the same rights and obligations as whites.[59] Also, he believed that the "gradual progress of civilization" would force Africans out to work.[60] He then launched a blistering attack on Natal's policy:

> You have not elevated the natives in Natal; you have not raised them; you have not educated them; they are barbarians, and you have designedly kept them in a state of barbarism. We contend that our natives have advanced, that they have advanced in civilization very much indeed. The natives in Natal have not advanced.[61]

He also believed that not all Africans should work on farms or in mines. Some needed to be "made more intelligent", then, "a certain number will become useful".[62]

Much of Merriman's testimony, and the manner in which it was presented, infuriated Lagden. He observed that Merriman gave "very unsatisfactory evidence" which was, in Lagden's view, "coloured by political expediency" because of the "coloured vote" in the forthcoming election. Indeed, to Lagden, Merriman was the "apostle of equality" between white

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58 SANAC, II, para 5157. There is a full account of Merriman's testimony in P Lewsen, John X Merriman, paradoxical South African statesman, pp. 271-7.

59 SANAC, II, para 5170.

60 Ibid., para 5182.

61 Ibid., para 5208.

62 Ibid., para 5235.

and black.[63]

Merriman was very disturbed by the line of questioning and openly expressed his fears to Stanford in the hope that he would protect Cape policy. Merriman was very candid about his doubts on SANAC which, he believed, saw as its object to "level down our natives", and to "disturb our native policy that has worked well".[64] He rejected a South African federation if "we are to sacrifice our natives first - and how much afterwards". "Surely", he reasoned, "our first duty is to the population of this country". There were, he maintained, two ways of managing 'native policy'. One was to regard 'natives' as a subject and inferior race and to give them no rights or rights so prescribed that they were nothing as in Natal, the Transvaal and Rhodesia. The other way was to treat them, when they displayed their fitness for such treatment, as equals before the law in every respect.

This was Cape policy. He stressed that by giving every man a chance, "we throw on the individual the onus of proving his fitness, and the doctrine holds good that rights carry with them duties and obligations". He was prepared to accept that in some constituencies such as Thembuland, the African could soon outnumber the white vote and return a "native" to Parliament. This was, he argued, much less of a danger than giving separate representation which the Cape Africans were shrewd enough to see through as a "sham".

Merriman was no idealist. He was personally aware of the problems of the coloured vote whereby electoral agents were alleged to be packing the registers with men who did not possess the qualifications for the franchise and were at their "beck and call".[65] However, he considered their political sense to be "quite equal" to that of "Europeans of the same class" and that he was often surprised by their grasp of

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[63] Lagden Diary, 1903, 22 October.

[64] Stanford Papers, BC 137.6, Merriman to Stanford, 10 November 1903.

[65] Ibid.

politics.[66]

He then considered "the New Zealand system" of separate representation.[67] Too few representatives would cause "bitter discontent" whilst "too many" would "fatally weaken our legislature". He believed the Cape to have chosen "the wisest solution". However, Merriman considered "the danger ahead" not to be the "elevation" of Africans but the "degradation of certain classes of Europeans both in town and country". In conclusion, he "dreaded" the possible effect of the "statesmanship" of such men as Matabele Thompson and he "implored" Stanford not to allow the Cape to be "implicated in vague proposals that [could] lead to nothing but unrest".

That Merriman was severely disturbed cannot be denied but it is significant, as will become evident, that Stanford was the leading force in the attempts to impose the "New Zealand system" on the Cape. Stanford's reply[68] cannot have allayed Merriman's misgivings when he assured him that he would not "lend [himself] to any reversal of the liberal policy of the Cape ... a policy with which [he was] in full accord". He did not think Thompson's views would carry much weight during SANAC's deliberations.

Lagden's feelings at this time can be gauged from a letter to Solomon.[69] He stressed the great differences between the Cape and Natal 'native systems' and of their mutual jealousy and suspicions, as well as their unwillingness to compromise. Of equal concern was the influence of the forthcoming Cape election, and the fear of the Coloured vote. He alleged that witnesses were reluctant to speak their

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66 Ibid.

67 In New Zealand, Maoris were enrolled on a separate voting roll and elected their own representatives. There were 50 000 Maoris and 700 000 whites in New Zealand at the time.

68 Merriman Papers, Mss 1903/242, Stanford to Merriman, 18 November 1903.

69 Lagden Papers, Mss Afr S, 211/3/1, Lagden to Solomon, 16 October 1903.

minds for fear of antagonising the agents. He believed that Cape politicians hoped for the other colonies to come to their rescue and propose some form of representation for Africans and Coloureds other than in the present Assembly. Further, he realised, as had the Cape Native Laws and Customs Commission of 1883, ("a fine contribution to South African history") on which Solomon had served, that much time was necessary to tackle the job properly.

Solomon's reply[70] clearly indicated that he saw no pressing need for SANAC to have commenced its duties in October 1903 when there was so much work to do in the Transvaal. He believed that the Transvaal Government was in "too great a hurry about many things".

As soon as SANAC had finished taking evidence, Lagden was engaged in routine Transvaal work.[71] The Cape-Natal split, the Merriman incident and the pressure of work, all combined to cause him to feel "very depressed".[72] In addition, he learned that Frances had been taken ill in Johannesburg.

In the Eastern Cape.

The next SANAC sessions were held in King Williamstown in early November. Apart from notable contributions from Tengo Jabavu and the Reverend James Dwane, RJ Dick, Special Magistrate, King Williamstown, and Richard Rose-Innes, a local lawyer and political writer, offered evidence. Indeed, Lagden considered Dick to be the best witness examined whilst Rose-Innes's evidence was "very interesting".[73]

Dick was a long serving magistrate and for 26 years had special responsibilities for administering the local African population in the

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70 Ibid., Solomon to Lagden, 21 October 1903.

71 Lagden Diary, 1903, 24 October.

72 Ibid., 28 October.

73 Ibid., 2 and 11 November.

Tamacha district.[74] Lagden regarded him as the ideal type to be entrusted with the administration of African matters.[75] Evidently, he had built up a reputation for fair and honest work and was regarded with favour by local Africans. Like Lagden, he perceived much change amongst Africans without undue force and compulsion, but realised that gradual changes were constantly taking place owing to want and the pressure of the law.[76]

Dick[77] opposed the suppression of the tribal system by law and reckoned that more would be achieved by moral influence and the introduction of individual tenure. It was advantageous to "hasten them a little" when possible. However, the labour tax clause of the Glen Grey Act was not such an opportunity and had caused "great irritation and dissatisfaction".[78]

Rose-Innes supported Dick. He saw a place for the tribal system but believed that the Glen Grey Act needed to be applied.[79] However, there should be no compulsion. He devoted considerable time to political rights as he considered that they counted "a great deal". Hence, it was essential to "secure his [the African's] cooperation". Therefore, taxation needed to be "slightly" increased and with "increasing numbers ... the law of supply and demand will do the rest".[80] He was particularly keen to get at the young men who were able to earn money as this would make him a labourer.[81] In his

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74 SANAC, II, para 5549.

75 The South African Natives. Their progress and present condition, Edited by South African Native Races Commission: 'Administration', Sir Godfrey Lagden, p. 117.

76 SANAC, II, para 5626.

77 Ibid., para 5736.

78 Ibid., para 6357.

79 Ibid., para 8590.

80 Ibid., para 8651.

81 Ibid., para 8652.

opinion, polygamy was "not a great evil" and should be left to die out gradually.[82]

A major point made by Tengo Jabavu[83] was that whatever the views of Europeans, Africans considered that they had fixed security under communal land tenure and that they should remain on the land for as long as possible. He argued that near urban centres young Africans were keen on town life and work but those in country areas preferred to remain on the land because they considered the "influences of the town contaminating".[84] He also had much to say about wages. He believed them to be lower than before the war, but in addition, for those recruited by agents:

> there might be the discrepancy, viz:- in the rate of wage promised, and the rate actually paid ... the promises ... made ... have not been kept.[85]

Jabavu considered that the Cape Government had been in too great a hurry to destroy African customs which had been of great utility.[86] This disturbance often led to Africans becoming disorganised especially when they had not acquired European customs. When questioned on laws disliked by Africans, Jabavu was able to cite many examples of petty and major grievances.[87]

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82 Ibid., para 8672.

83 SANAC, II, para 9881.

84 Ibid., para 9921.

85 Ibid., para 9944.

86 Ibid., para 10027.

87 Ibid., para 10075:
"Well, there are, as far as the Natives are concerned, repressive laws involving such things as travelling in cars, and walking on side-paths; there is also the ringing of the curfew bells, that is to say, ringing the Natives out of town ... there are also the pass laws ... Then again, under the Glen Grey Act, there are a number of things. The land which is held under the Glen Grey Act is very easily forfeited, and it does not carry with it, the franchise".

When questioned on the likelihood that possession of the franchise would bring Africans into conflict with Europeans, Jabavu pointed out that "it always has the effect ... I have always been in conflict with the bulk of the Europeans".[88] In a similar vein, commissioners could not have been pleased to hear his desire to purchase as much land as possible for Africans because they occupied such a small area.[89]

Jabavu's testimony infuriated Samuelson.[90] In reply to a question on the franchise, he candidly replied:

> I do not see that the franchise is an embarrassment to a man in any circumstances, for it is a British privilege ... I am so radical that I would make it manhood suffrage ... The franchise, I think, is the birthright of a British subject, whether he be low or high. He does not barter it for other privileges.

Natal officials were not partial to such talk and Samuelson took umbrage at these views.

SANAC next met in March 1904. The reason for the extraordinary length of the Christmas break was the pressure of Transvaal work on Lagden. In Butterworth, three senior Transkeian magistrates were examined at length. They were Martin Liefeldt of Willowvale, William Brownlee of Butterworth and Newton Thompson of Kentani. Whilst they offered evidence on all topics, they emphasised the need for some Code to guide them", so that [they] might know exactly what customs ... to recognise".[91] Further, although they appreciated the importance of the Glen Grey Act, they feared that it might reveal to Africans their "real importance ... [and] strength numerically".[92]

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88 Ibid., para 10134.

89 Ibid., para 10237.

90 Ibid., para 10257.

91 SANAC, II, para 13140.

92 Ibid., para 13149.

They agreed that Africans needed to be represented in parliament, but certainly not as equals to Europeans as this would result in Africans ruling Europeans. When pressed for a more precise answer, they replied that their voting strength should be limited. Closely linked to this was the idea of "Africa for the Africans" and the desire to "oust" the white man from Africa.[93]

The magistrates favoured Africans keeping their locations because:

> if you pass over the [Africans] and parcel [their] land out to Europeans, it will not bring one-quarter of the revenue it is bringing at present.[94]

They also advocated that "the system of dowry should be adhered to to the last moment". On the sensitive issue of wages, Brownlee stated:

> I say without hesitation, that if the pay were raised you would very largely augment the number of men who would go out to work[95]

Thence, SANAC moved to Umtata. Stanford, accompanied by Lagden noted him to be a "good travelling companion".[96] The brief spell in Umtata pleased Lagden. Apart from several sets of tennis and a successful reception hosted by Stanford, Lagden was able to make a quick excursion to the Tsitsa Falls of over 370 feet.[97] After a short spell in Kokstad, where Lagden mainly attended to Transvaal work, it was, except for Stanford, on to Natal.[98]

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93 Ibid., para 13291.

94 Ibid., para 13529.

95 Ibid., para 13582.

96 Stanford Diary, 1904, 17 March.

97 Lagden Diary, 1904, 21-24 March.

98 Lagden Diary, 1904, 30 March.

Natal.

The Natal session produced several crises. First, Lagden was seriously ill with malaria and neuralgia for over two weeks. Even after his return, his grip on affairs appears to have slipped. After this, divisions appeared and comments such as "I have difficulty in keeping them together", and "very breezy and contentious"[99], illustrate the problem. However, on the positive side, Marshall Campbell not only showed genuine concern for Lagden's health but also became a leading personality within SANAC.

Prior to his illness, Lagden drafted a long letter to Lyttelton[100], Chamberlain's successor at the Colonial Office. He began by justifying his support for Chinese labour - the labour shortage in the Transvaal and its threat to government strategy, and the resultant threat to cut imperial ties. Lagden maintained that without Transvaal prosperity, the other colonies would become poverty-stricken as they were "little more than forwarding agencies". He assured Lyttelton that white South Africans would not do "Kaffirs work", nor would they allow foreign whites to do it. The allegations that Chinese labour was "slavery" were "unmitigated nonsense". Further, he was sick of the "nonconformist howl".

In addition, Lagden referred to SANAC and complained of the great differences in the policies of the various colonies. He also maintained that the framing of the report was

> appalling in consequence of the ground to be covered, the evidence to be rehearsed and the unanimity to be aimed at with a team of 10 [sic] representing 6 [sic] different colonies.

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[99] Lagden Diary, 1904, 18 and 30 May.

[100] Lagden Papers, Mss Afr S, 210/2/8, Lagden to Lyttelton, 30 April 1904.

Following this, Lagden complained to Milner[101] that Stanford and Scanlen, because of their respective Government's demands, had been unable to give SANAC their full attention. Could Milner do something about it? He also requested Milner to make public reference to SANAC. This was something Milner was reluctant to do[102] because he feared that public comment by himself could lead to the Press "screaming at" SANAC, and "inventing absurd rumours" which could make the Commission's work impossible. On the other hand, he realised that to neglect SANAC might lead to accusations of "shably [sic]" treatment.

Lagden was taken ill on 11 April and was absent for much of the early Natal evidence from William Beaumont, JW Shepstone and FR Moor. During this period Scanlen acted as Chairman.

Very harsh views were expressed by Shepstone. He opposed the Natal Code of 1891 because he alleged that Africans themselves did not understand what their law was. Africans required "firm but just government" because they were "savages and uneducated".[103] Much of his thinking was confused. For instance, he argued that location land was "very broken and almost useless" and caused many to leave as there was no suitable land available. Yet, he claimed that they lived "an idle life" and were "provided for in every way".[104]

His solution was that Britain should allow Natal to pass a law compelling all young married men to work for six months a year as a tax. Indeed, it was the British Constitution which had hindered Natal in dealing with Africans even though they possessed "the full liberty of a subject" and were no longer under a "purely despotic and tyrannic Government" which had demanded "abject submission and implicit obedience". As he considered Africans to be "protected in

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101 Ibid., Mss Afr S, 211/2/7, Lagden to Milner, 7 April 1904.

102 Ibid., Mss Afr S, 211/2/7, Milner to Lagden, 13 April 1904.

103 SANAC, III, para 18733.

104 Ibid., paras 18787 and 18814.

every possible way", he could not understand what more they could require![105] Finally, he believed the labour question to be paramount - "the basis upon which everything ought to be built". As Africans could not be "induced" or "encouraged" to work, they ought to be made to work, then they would find a need for education and religion![106]

A similar stereotyped viewpoint was represented by FR Moor. He argued that by granting Africans land under individual title, the Government would lose control as the "governing race" and bring about serious racial antagonism.[107] He opposed any political or social equality and any type of land tenure which suggested to the African that he was equal to the white man. This would breed "profound mischief". When quizzed about the extension of political rights to Africans, his answer was succinct, if nothing else - "absolutely none".[108] He was equally frank on locations:

> They [were] mostly the most inaccessible, the roughest and dirtiest parts of Natal, country that [was] not fitted for Europeans to live in at all.[109]

Moor advocated the "Native problem" and the "Native question" be eliminated altogether from party politics. The surest way to achieve this was to prevent the African from electing members of parliament. He was convinced that the Cape would have great difficulty in getting other colonies to accept the "Cape franchise" because once enfranchised, Africans got together to discuss "affairs", then they

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105 Ibid., para 18816.

106 Ibid., para 18884.

107 Ibid., para 20790.

108 Ibid., para 20791.

109 Ibid., para 20857.

would combine and lead the whole population against the whites![110]

Whilst Lagden was absent in early May, working on the 1904-5 budget, rather different evidence was presented by Harriette Colenso, daughter of the Bishop of Natal. She regarded as "the gravest danger" the possibility that Africans might be driven off the land as had occurred in England with the bulk of the population.[111] Perhaps for Lagden's benefit, she agreed with Sir Marshal Clarke's statement when speaking of the South African Africans that "as to their own affairs, they are far better able to manage them than we are for them ..." Hence, she believed it to be a mistake to have a whole string of laws that stressed "you must not do this, and not do that".[112]

Several Africans provided evidence which highlighted the views and aspirations of the elite kholwa Africans. According to Simon Kambule, the main advantage of gaining exemption was that he would be able to make a will and give his property to his children and prevent his brothers and relations from taking his children's "food"[113] after his death. Also, he wanted representation in Parliament so that he could be represented before the Government. This representation would be the same as that for Europeans, i.e., equal rights. Then chiefs could be removed and pensioned off.[114] Indeed, as his associate Josiah Gumede noted:

> The Chiefs are no longer Chiefs but gentlemen. There is only one Chief who rules all of us, and that is His Majesty the King.[115]

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110 Ibid., paras 20898 and 20926.

111 SANAC, III, para 23844.

112 Ibid., para 24034.

113 Ibid., para 24856.

114 Ibid., para 24894.

115 Ibid., para 25062.

Later Mark Radebe, an editor and storekeeper, made some pertinent remarks about types of magistrates. Some could be confidently approached while "some ... will have nothing to do with anybody".[116] He firmly believed that some chiefs were appointed who had no qualifications or rights to be appointed. Such Chiefs sometimes dealt "unfairly" with the people and "oppressed" them. Interestingly, he thought Indians ought to have the vote in India and not in Natal![117]

Charles Saunders[118], Chief Magistrate and Civil Commissioner of Zululand, expressed his concern for the "absurd rumours of Native unrest ... spread by some unscrupulous Europeans, and each time as the story is reported ... it becomes exaggerated". Lagden would have certainly agreed with this after his experiences in Basutoland.

SANAC completed its work in Natal at the end of May 1904. Lagden originally anticipated leaving for Salisbury around July 1 but was overruled by Milner because the Transvaal Legislative Council was in session and he insisted on Lagden's attendance.[119] Clearly, Transvaal matters were of greater importance!

Southern Rhodesia, Mafeking, Bloemfontein and Maseru.

In July, prior to the debate in the Transvaal Legislative Council on the NAD budget, Milner raised the question of SANAC.[120] He told Lagden that he should speed up the work. However, he did not wish to imply that SANAC had been "dilatory" because it had accomplished an "astonishing amount of work" but he felt that the Final Report was being "eagerly awaited" and therefore, he hoped, that "the future proceedings ... may be quickened without any serious dimunition of the

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116 Ibid., para 26019.

117 Ibid., para 26295.

118 Ibid., para 30330.

119 Lagden Papers, Mss Afr S, 213/5/2, Milner to Lagden, 30 April 1904.

120 Ibid., Milner to Lagden, 8 July 1904.

value of the final result". He hoped that the Final Report would be completed before the end of 1904.

Lagden and SANAC eventually reached Salisbury on 29 August and received a very warm welcome from the Resident Commissioner, Sir Marshal Clarke.[121] However, when the commissioners assembled to discuss preliminaries, there was an "acrimonious debate on procedure".[122] The basic cause of the dissatisfaction appears to have been the length of interviews - with many witnesses being given excessive time to express their opinions. Behind this was the impatience of the colonial governments, who not only had to finance the Commission, but wanted to receive a report as soon as possible. Whilst Lagden must be held responsible for the slow progress in interviewing, he can hardly be held responsible for the absence of key members and Milner's insistence that he continue to play a major role in the Transvaal Administration.

The crisis was eventually settled by Stanford who stressed the necessity to "press on to a conclusion of our work".[123] Apart from his experience, Stanford appears to have been a more likeable figure than Lagden and had the personality to rally the Commission. Furthermore, he had been instructed by Jameson, the Cape Premier, to get the Commission to speed up its work.[124]

Clarke was the only influential witness examined in Salisbury. Among the important points he made were his recognition of the value of communal land tenure[125], the necessity to guide and control African council members for the time-being and the need to allow Africans to

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121 Lagden Diary, 1904, 29 August.

122 Ibid.

123 Stanford Diary, 1904, 31 August.

124 Ibid., 4 July.

125 SANAC, IV, para 34939.

discuss political matters.[126] He acknowledged that the locations were filling up fast but that was not really a problem as more Africans would go out to seek work. However, he was concerned with Land Companies and "rack renting".[127]

Like most Native Commissioners, Clarke advocated a greater tolerance of lobola and polygamy. Indeed, they were "very great virtues ... the foundations of the whole social system" of the Africans. By abolishing them, the "evils of pauperism and prostitution"[128] would be introduced. As for representation, Africans were already represented by magistrates and commissioners. However, if Africans were to be given the franchise, it should be on the common roll because it would give them "real representation" and would avoid the distinction between European and African constituencies.[129] Finally, repeating a view made earlier, Clarke urged that "the more you allow the Natives openly to unite together and talk matters over, the better it will be".[130]

Accompanying SANAC to Rhodesia was EB Sargant[131], Director of Education in the Transvaal. Milner believed it essential for the commissioners to favour a uniform approach to African education. This "approach" had been devised by Sargant and Dr James Stewart of Lovedale.[132] Sargant was to use the Rhodesian trip to convert the commissioners to his views on African education. It is significant that

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126 Ibid., para 34952.

127 Ibid., para 34963.

128 Ibid., para 34988.

129 Ibid., para 35322.

130 Ibid., para 35348.

131 Sargant was responsible for education policies for Africans and whites in the Transvaal, Orange River Colony, Basutoland and Bechuanaland.

132 Stewart Papers, BC 106, C 193.10, Sargant to Milner, 24 June 1904.

Sargant made a clear attempt to win the approval of Stanford.[133]

An indication of the bad atmosphere and ill-feeling that existed between Lagden and the commissioners is that when the remainder of SANAC departed for a trip to the Victoria Falls, Lagden remained in Salisbury to console himself with Clarke.

> I did not go as I [did] not wish any excuse for delay in our work.[134]

So whilst the commissioners revelled in the majestic splendour of the Falls, Lagden went horse riding with Clarke and "discussed various matters with him".[135] However, he would have been pleased to learn of Stanford's efforts to rally the commissioners and instil a renewed purpose and enthusiasm.[136]

After a busy session in Bulawayo when the Reverend Helm[137] and Marshall Hole[138], a later historian of Southern Rhodesia, were amongst the witnesses, SANAC moved on to Mafeking where Solomon T Plaatje[139], editor of Koranta ea Becoana, presented evidence. One of his concerns was the need to teach Africans to develop irrigation schemes which would facilitate their efforts to develop their lands. However, when the commissioners were taken on a sight-seeing tour of the town's defences during the siege, it was Colonel Panzera, the

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133 Stanford Diary, 1904 and 1905, records many of their meetings.

134 Lagden Diary, 1904, 2 September.

135 Ibid., 3 September.

136 Stanford Diary, 1904, 7 September.

137 Helm's role in the occupation of Southern Rhodesia, as an agent of Cecil Rhodes, is outlined in S Samkange, The origins of Rhodesia.

138 Hole wrote several histories of Southern Rhodesia from the "settler" or colonial viewpoint.

139 B Willan, Sol Plaatje: a biography. Solomon Tshekisho Plaatje 1876-1932, pp. 104-24.

Acting Resident Commissioner of Bechuanaland, not Plaatje, who conducted their tour.[140] An article in Koranta[141] suggests that SANAC was not too keen to hear African evidence in Mafeking. Plaatje only learned of their visit by chance and his offer to arrange for other Africans to present evidence, was declined. The next stop was Kimberley. Here SANAC was taken on an extensive tour of the De Beers Compound which had been founded by Thompson.[142] Stanford "was shocked with [sic] the number of men who worked continuously for years there".[143] Later, when in Johannesburg, Stanford noted that he was "impressed" with the Witwatersrand compounds but that they were "not equal to [those of] De Beers".[144] However, Stanford was not very impressed with witnesses in Bloemfontein where "the tendency [was] ... to see the Native as a child or ... an unskilled labourer".[145]

In Maseru Lagden received "many warm greetings from all the old people".[146] Naturally, Lerotholi and the leading chiefs were the main witnesses. Indeed, the session with them must have brought back memories for Lagden as the perennial rivalries and disputes soon surfaced when Jonathan criticised Lerotholi for making decisions without the approval of the leading chiefs, only for Lerotholi to inform Lagden, that Sloley himself had been present at the pitso![147] Stanford believed the chiefs to "favour ... the status quo".[148]

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140 Stanford Diary, 1904, 15 September.

141 Koranta ea Becoana, 21 September 1904.

142 N Rouillard, Matabele Thompson, pp. 81-9.

143 Stanford Diary, 1904, 18 September.

144 Ibid., 29 September.

145 Ibid., 21 September.

146 Lagden Diary, 1904, 26 September.

147 SANAC, IV, para 39 462.

148 Stanford Diary, 1904, 26 September.

The Transvaal. The Last Lap.

From Maseru SANAC, travelled up to the Transvaal for the final sittings. Here one can firmly detail obvious attempts to influence the commissioners. Indeed, Stanford had hardly alighted from the train before he was whisked off to lunch by Strange of the Chamber of Mines, and MacFarlane, head of WNLA.[149] In the meantime, Milner and Lagden had a "long talk".[150] Sir Richard Solomon also used the occasion to impress, on both Lagden and Stanford, his firm conviction in the justice of the Cape franchise. Stanford was adamant that separate voting for whites and blacks was necessary.[151] He could afford to be steadfast on this point as he was well aware that this was what Jameson desired. Press reports, (perhaps deliberately leaked), indicated that Jameson wanted his views to be well known.[152]

Much of the evidence presented in Pretoria and Johannesburg was very predictable. Both Windham, SNA, and Hogge, Native Commissioner for the Eastern District, presented the "official" policy. More critical and harsh evidence came from leading individuals and organisations. However, some witnesses revealed a more humane and concerned attitude towards Africans. Miller (of Swaziland) struck Stanford as a "man of ability and thought"[153] whilst the Reverend Creux, the Swiss

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149 Ibid., 29 September.

150 Lagden Diary, 1904, 30 September.

151 Stanford Diary, 1904, 30 September.

152 Rand Daily Mail, 6 August 1904, carried a full article reporting that Jameson contemplated abolishing the African vote in the Cape; also, Stanford Diary, 1904, 4 July: Jameson "discussed the franchise question with me. He referred to Rhodes dictum of `Equal rights for every civilized man South of the Zambezi'. The point now is the `civilization'. It must be defined somehow for the Native. I said Mr Hofmeyr's move of a substantial house was in this direction. I talked about a scheme for separate voting on the basis of occupation of land as tribesmen rather than colour so as not to go on colour - But that causes still a difficulty as the overflow is so marked now in the towns. We parted to think it over".

153 Stanford Diary, 1904, 6 October.

missionary, based in the northern Transvaal, took a more enlightened line.[154] One witness who appeared to antagonise the whole commission was Theophilus Schreiner who, in Lagden's words, "gave us a weary time".[155] Indeed, Schreiner's support for the Cape franchise caused him to privately seek out Stanford and impress on him his dislike for 'the New Zealand system'.[156]

Strange and MacFarlane both deemed it necessary to address SANAC as well as privately impress their views on Lagden.[157] Lagden himself considered it necessary to counsel Stanford and Campbell.[158] Within two days Stanford was requested to dine with Milner[159] and faced a gruelling question session on "the native question - Land tenure, franchise, Ethiopianism, passes, political conditions". He was also requested to call on Sargant to discuss education matters. Obviously, much was expected of Stanford to support Lagden in the compilation of the Final Report.

One African witness, of whom Lagden and the Transvaal were to hear much from in the near future, was the Reverend Edward Tsewu. He requested that Africans be permitted to hold land title deeds in their own names. He also alleged that many fourteen- and fifteen-year-old boys were being forced to pay taxes.[160] Rather different evidence was offered by the Transvaal Landowners Association and the Rand Pioneers.[161] Their lengthy testimony was summed-up by Stanford as "all in favour of

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154 SANAC, IV, paras 41736-38.

155 Lagden Diary, 1904, 11 October.

156 Stanford Diary, 1904, 20 October.

157 Lagden Diary, 1904, 12 October.

158 Ibid., 13 October.

159 Stanford Diary, 1904, 16 October.

160 SANAC, IV, paras 43570 and 43628.

161 On the Rand Pioneers, AJ Potgieter, 'Die politieke aktiwiteite van die Rand Pioneers-Vereniging gedurende sy vroeë bestaansjare', Historia, 31, 2, 1986, pp. 10-16.

suppressing the black man".[162] The final witness examined in the Transvaal was Howard Pim, a chartered accountant and a 'student' of African affairs.[163] Revealing considerable knowledge of Negro politics in the United States, he saw much to commend in the philosophy of Booker T Washington "who practically accepts the alleged inferiority of the Negro races", and much to fear from WEB du Bois who advocated the "power of the ballot" to save negroes from a "second slavery".[164]

Before departing for Cape Town, Lagden sought out Milner for an important interview. Three major topics were discussed: "my leave", the "break up of my home ... [and] my prospects afterwards". They "conversed long about the Commission".[165] As Lagden had last enjoyed long leave in early 1901, his request was neither unusual nor unjust. His desire to improve his position was no doubt based on his own assumption that he had worked hard and successfully for Milner and wanted his reward. Finally, Milner was very keen to impress on Lagden his expectations of, and demands, on the SANAC report.

Lagden arrived in Cape Town on 29 October for the drafting of the Final Report. However, two major figures had successfully requested that they be allowed to present evidence: Dr James Stewart[166] and JW Sauer[167], former Cape Minister of Native Affairs. To Stanford, Stewart gave his evidence "ably" except that he took an "extreme line" against the "Ethiopians".[168] Sauer clearly impressed Stanford and

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162 Stanford Diary, 1904, 17 October.

163 Pim produced many articles on the 'Native Question'. He was an ardent segregationist.

164 SANAC, IV, para 44861.

165 Lagden Diary, 1904, 25 October.

166 SANAC, IV, para 44980.

167 Sauer was a political ally of Merriman and a firm believer in the Cape franchise.

168 Stanford Diary, 1904, 3 November.

"gave his evidence, very clearly and ably".[169] However, before adjourning, Stanford proposed that the Cape franchise should be amended. Whereupon, he received immediate support from the Natal delegates.[170] There is no record or hint that Lagden opposed this or took umbrage.

SANAC had literally travelled a long and weary road. There can be no doubt that Lagden and Stanford were both extremely tired and weary. That the other Commissioners were probably tired of SANAC and Lagden was also true. The drafting of a Final Report, however was to add greatly to Lagden's tribulations. First, owing to a lack of training and experience, he was to have great problems in framing the various resolutions. Secondly, there were the blatantly apparent divergencies of opinion. The matter was not simply one of the Cape against Natal. As will become very evident, the `labour' lobby attempted to exert great pressure on the commissioners. Thirdly, Lagden was convinced that several members of the Commission were not "pulling their weight". Indeed, the final session in Cape Town placed greater stress on Lagden than in any of the earlier sessions.

Transvaal Distractions.

It is important to stress how matters of a purely Transvaal nature were to occupy Lagden's time and distract him from the SANAC work. As will become evident in this sub-chapter, it is apparent that Milner expected a tremendous amount from Lagden as the Commissioner of Native Affairs despite the demands of the SANAC investigation.

In mid-November 1903, Lawley[171] informed Lagden of pending changes in the Transvaal Executive Council and that he expected the Legislative Council to reconvene only on 7 December because the report of the TLC had been delayed. Further, he soon expected to receive the resignation of Wybergh as Commissioner of Mines. Alarmed by this news, Lagden

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169 Ibid., 4 November.

170 Ibid.

171 Lagden Papers, Mss Afr S, 211/2/8, Lawley to Lagden, 12 November 1903.

immediately wrote to Wybergh to ascertain the truth.

Wybergh confirmed his imminent resignation and complained of the "constantly widening gulf" between himself and Lawley.[172] He was annoyed at the "deliberate attempts to discredit [himself] and his department". Lawley had informed Wybergh that he no longer had his confidence but was unable to substantiate this except that he was unable to contribute to Government work outside of mining!

"Political questions", explained Wybergh, had really caused the problem. He considered Lawley, as Lieutenant Governor, to be guided by the influence of the Chamber of Mines and other "financial interests" rather than by his constitutional advisers. Wybergh believed his position to be a "very painful one" especially:

> After having fought against the lobbying and corruption under the [Kruger] government, I find now, certainly not corruption in any form, but lobbying and backstairs influence very prevalent.

The contents and implications of this letter were to weigh heavily upon Lagden during the ensuing months when public opinion went against Lagden.

Back in Johannesburg in early December 1903, Lagden was immediately involved in two major crises. First, economic depression and lack of funds meant that the NAD would have to be reorganised and staff be retrenched.[173] This was a sore point with Lagden who asserted his department to be efficient and economic, as well as properly fulfilling the Government's obligations to Africans. He was justifiably adamant that the Executive Council did not give the NAD the attention, and support that it deserved and needed, to maintain a:

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172 Lagden Papers (Wits), D2, Basutoland, Wybergh to Lagden, 19 November 1903. (This is obviously misfiled).

173 Lagden Diary, 1903, 10 December.

> patient and fair attitude towards the Native races who can, and do, contribute so much to the common good by their labour and even by their taxes, without any direct representation[174]

Rather unfairly, the Rand Daily Mail[175] was to later criticise the retrenchment decision and lay the blame with Lagden. Further, it complained of "incompetent foreigners" being given posts at the expense of "local men of ability".

The second matter was that of Chinese labour. This issue was to dominate all other matters in the Legislative Council session which eventually opened on 14 December. As Commissioner of Native Affairs, Lagden was expected to make a major contribution to the debate, and support Milner and the Chamber, in their quest to obtain additional unskilled labour.

Practically all of Lagden's speech was an attempt to demonstrate that everything that could possibly have been done to facilitate the supply of African labour, and then to keep it at the mines, had been done. A secondary aim was to show that there was a definite shortage of labour in the Transvaal. It is evident that Lagden had made certain of presenting the official view of the Government, which was to give the Chamber full support.

Lagden accepted the view of the Chamber that there had been a genuine and serious shortage of labour before the war and that it had continued after 1902.[176] He ascribed much of the pre-war shortage to the "touting" system whereby:

> Irresponsible men went into the country; they were paid so much for every man they produced; there was great competition, and

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174 Lagden Papers, Mss Afr S, 211/2/8, Lagden to Lawley, 15 November 1903.

175 Rand Daily Mail, 12 March 1904.

176 Debates of the Legislative Council of the Transvaal, 1903/4, pp. 236-44. The speech was fully reported in The Star, 31 December 1903.

great conflict and it nearly always resulted in these irresponsible touts making pledges and promises to natives that they could not fulfil.

He knew this from personal experience in Basutoland when "many" Africans claimed that they had been "misled and humbugged".[177] This was, in Lagden's opinion, what caused so much desertion.

There were, Lagden maintained, just as many labourers on the Witwatersrand as before the war. Many of them were not on the mines because of alternative opportunities. Hence, the issue of wage reductions, a military decision taken by the Republican Government and maintained by Lord Roberts, but at thirty and not twenty shillings per month, was not to blame for the shortages. He alleged that employers who offered higher wages were "irresponsible people" and had caused wages to rise to such an extent that farmers could no longer employ labourers.

Next he endeavoured to dismiss claims that Africans feared to work on the mines for fear of ill-treatment. "Generally speaking", claimed Lagden, "Mr Brownlee[178], who accompanied the Cape chiefs and headmen, found conditions on the mines good". Lagden professed that he himself had searched, in vain, for six months, for a single African who had received such ill-treatment. Lagden reckoned that there were three reasons why Cape Africans did not go to the mines: the "absurdly high" wages offered in the Cape; the ease with which enfranchised Africans could obtain liquor in the Cape and the lack of compensation for accidents. A report in the Manchester Guardian[179] painted a rather different, less flattering and more complex picture.

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[177] Unfortunately, there is no direct proof of this is in Lagden's Basutoland papers.

[178] Brownlee's visit to the Rand was given extensive publicity in Britain. The Aborigines Friend, June 1904, carried the complete article of the Manchester Guardian of 17 May 1904.

[179] The Guardian gave credence to African complaints and regarded Lagden's defence of the mines as being "admissions and excuses".

The majority report of the TLC confirmed the resolutions of the Bloemfontein Conference. Therefore, Lagden accepted them because they had been drawn up by men who had the "best interests of the country at heart" and were supported by the facts and opinions of the Chamber of Mines. The TLC majority report believed there to be 800 000 Africans in the Transvaal, of whom approximately 80 000 were adult males. This meant that about 40 000 were available for work at any one time and were "largely distributed over the country in domestic service, farm work and general industries".

The major result of the increased demand had been that the African had developed an "indifference ... amounting almost to [an] insolence". This had been caused by "civilized men begging [the African] and imploring him to come out and work". No wonder, stated Lagden, the African had developed such characteristics - "it was only human nature". However, summary action, such as the breaking up of locations and a strict enforcement of the Squatters Law was not advisable. To use force was likely to be very dangerous as such "heroic measures ... [would] impeach the peace of this country".

Whilst concluding, Lagden expressed his "regret" at "the idea of importing Asiatic labour". This was "repulsive" to him, but they had "to face the fact that there was a very great vacuum which could not be supplied from services at their disposal". It would be necessary to avoid the pitfalls which other countries had fallen into "by allowing labour to run riot". Every man who came by indenture would have to be registered and he would have to be repatriated as soon as his contract was completed. Finally, he believed in the urgency of the matter and that "he held the conviction that the circumstances and interests of the country justified the motion ... He supported the motion and intended to vote for it".

Even though Lagden was pleased with the speech and its reception, it must be admitted that he had not contributed anything new to the debate and merely repeated information favourable to the Chamber. Indeed, an

editorial comment in Imvo[180] that the "ramifications of the moneyed interest" was so widespread that a "false apathy seem[ed] to beset all classes", appeared to be close to the mark.

Much of January and February were taken up by compiling material for two reports which were to appear in due course: the Memorandum on the Subject of the Squatters' Law[181], and Report by the Commissioner of Native Affairs relative to the acquisition and tenure of land by Natives in the Transvaal.[182] Both reports were required by SANAC. At a more practical level, Lagden hoped that they would alleviate the confusion in such matters which prevailed in the Transvaal. They would provide data on which future policy would be based.

Milner agreed with Lagden's views in the Squatters' Law. He recognised its "importance" as well as the "difficulties". He was advised by Lagden that it would be "impolitic to plunge into action" considering the failure of the late Republic, and other Governments, to effectively apply their squatters legislation. For this reason, the Transvaal Executive Council had resolved that it was impracticable to enforce the law generally, and not attempt to apply it partially. The best solution to the dilemma, Lagden suggested, would be to create an independent commission to consider the whole question. "This would shift the burden from the Government to the public who are most concerned".[183] This would be suggested to Lawley but nothing appears to have materialised. As far as the Land Report was concerned, which had entailed "a lot of diligent and laborious research", Lagden believed it might be of "permanent value as a record". Both reports appeared in July 1904 and their findings were incorporated into the SANAC report.

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180 Imvo Zabantsundu, 8 December 1903.

181 TAR: NAD, 1903-4.

182 This report was published separately.

183 Lagden Papers, Mss Afr S, 211/2/7, Lagden to Milner, 6 March 1904.

In early June, Lagden returned to Johannesburg from Natal to face another attack on the NAD by the Rand Daily Mail.[184] In an article on the 1904 census, the Mail doubted "whether the Supreme Chief [Lagden] knows what he is about" and complained of a "weakness of policy" in the Transvaal. It alleged that of 150 000 able-bodied African males, some two-thirds were living in "idleness" at the kraals and all that "brawn and muscle" was going to waste. "There exist[ed]", claimed the Mail, "the strongest necessity for unity of policy throughout South Africa in order that the Native may be taught the dignity of labour".

On 7 June, Lagden travelled to Pretoria for a meeting of the Executive Council, only to be confronted by Milner, over a supposed African uprising in the outlying districts of the Transvaal.[185] Rumours had first been received on 4 June. Windham, SNA, had immediately telegraphed all stations of the NAD to furnish Lagden "with a definite reply as to whether there [was] any foundation whatsoever for such reports in your District".[186] All replies indicated that there was no uprising. Amongst the replies, three are representative. From Warmbaths, Scholefield replied:

> I have no doubt but a great deal of dissatisfaction obtains in this district but I have no fear of any actual disturbances arising here.

From Brabant in Volksrust, Lagden learned that he "was not aware of there being any foundation in this Division". Griffiths, in Rustenburg, stated that "there [was] no foundation whatever", a viewpoint repeated from Lichtenburg.[187]

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184 Rand Daily Mail, 19 May 1904.

185 Lagden Diary, 1904, 7 June.

186 SNA 221/1258/04, 'Native unrest', SNA to Native Commissioners, 4 June 1904.

187 Ibid., Scholefield, Warmbaths, 7 June; Brabant, Volksrust, 8 June; Griffiths, Rustenburg, 10 June; and, Elliot, Lichtenburg, 11 June.

A further instruction was issued on 17 June when Lagden requested Native Commissioners, to "take the earliest opportunity to ascertain quietly and discreetly from Native chiefs or others of influence whether there is anything at present time disturbing them".[188] Any reports were to be forwarded to Resident Magistrates, all passes were to be carefully checked and "suspicious" persons detained and ministers of the AMEC watched for any "seditious expressions". Commissioners were also reminded that funds were available to reward informers.

The Rand Daily Mail[189] chose to give the rumours great prominence and credence in an editorial entitled "Our Native Policy and Its Dangers". The `uprising' was firmly blamed on Dinizulu, the Zulu chief, and the "sinister propaganda" of the Ethiopian Church.[190] In a scathing report, the Mail reported that it fully expected:

> that the statements will receive an official denial. The fact of the matter is, however, so little is the Government and the entourage of the Native Affairs Office in touch with the Natives of this Colony that until a few days ago, they appear to have been quite ignorant of the conditions obtaining in the Northern districts.

Thence followed a detailed report of a speech made by Offy Shepstone, by now a farmer in the Waterberg District. He alleged that the Africans were "getting out of hand because of the laxity of control". There was need for firm and consistent treatment. The absence of a definite policy had reduced the power of the chiefs and had allowed the "Ethiopians" to spread their "active propaganda".

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188 Ibid., Lagden to Native Commissioners, 7 June 1904.

189 Rand Daily Mail, 10 June 1904.

190 For a recent view on Ethiopianism, see Odendaal, Vukani Bantu!, pp. 23-9, 82-6 and 110-1.

Shepstone held Lagden to be personally responsible for the 'uprising':

> When ... the foundation of his (the African) belief in the tribal system, and especially in the capacity of the Government to assert its supreme authority, are seriously prejudiced by an irregular and vacillating control, the Native is bound to break away from the only authority which makes him law-abiding and respectful to all authority. But that is what has exactly happened under the weak and divided authority of Sir Godfrey Lagden.

Diary extracts reveal Lagden's anger and frustration: "reptile press is hounding [us] to death", "more reptile press trying to hound me out of the country", "still more venemous attacks ... which are loathsome and disheartening" and "scare continues ... but there is nothing to justify it".[191] It is tempting to speculate that Shepstone was bent on revenge after his clash with Lagden in Swaziland.

Adopting a more responsible role, Engelenburg, editor of De Volksstem, approached Lagden to write an article for his paper. He declined but provided Peachey, the Native Commissioner in Pretoria, with a "statement" to show to Engelenburg.[192] This statement clearly illustrates that Lagden himself was not too sure about the rumours and that if there was no uprising, there could easily be one! It was "apparent" Lagden claimed, that throughout the whole of South Africa there was "a wave of unrest", chiefly because, "many of the Natives believed that they were to be reinstated on old lands taken from them, and to be given land confiscated from the Boers". They had been "roughly disillusioned" and disappointed. Other factors had been the "undue familiarity between black and white", the high rate of wages, and the demand made for their services which had "discontented rather than pleased" them.

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191 Lagden Diary, 1904, 10-14 June.

192 SNA 221/1258/04, Lagden to Peachey, 7 June 1904.

Lagden also added that suggestions by "irresponsible" people that Africans should be despoiled of their lands, their locations "broken up" and that they be forced to work had "frightened" them. These factors all provided a fertile field for the AMEC to work on.

Even though no evidence of any uprising was found,or any suggestion of trouble unearthed, Lagden issued a further instruction in which he urged Native Commissioners not to "relax", and to "ascertain whether there [was] anything lying behind the native mind".[193] Indeed, "any suspicious expressions or actions should be reported, as all information assisted in gathering intelligence, and in reaching conclusions". He ended by warning that Africans "may be mischievously diverted by designing persons of any colour, or by educated people of their own colour". Indeed, Lagden had serious doubts himself.

It was not long before the source of the supposed "uprising" was exposed. Apparently, it began after Offy Shepstone had been informed by "reliable sources" that Africans had killed three whites to the north of Pietersburg; that Dinizulu had sent messengers to Sekhukhune; and that chiefs in the north had joined together and armed their people.[194] There were two main purposes behind the rumours. First, Boers in the northern Transvaal required more firearms and ammunition for hunting that was permitted. Second, it was hoped that the `scare' would enable Offy Shepstone to obtain a post within the NAD.

Shepstone's "reliable sources" had been one Mahlabezoolu, described by a member of the NAD, as a "scoundrel and liar".[195] Shepstone had deliberately used and accepted the story knowing that it was likely to be false and lead to panic. Then, he organised the meeting in Waterberg to gain publicity and embarrass the Government.[196] Even after the

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[193] Ibid., Lagden to Native Commissioners, 22 June 1904.

[194] Rand Daily Mail, 10 June 1904.

[195] SNA 221/1258/04, Maggs, sub-Native Commissioner, to Orsmond, Resident Magistrate, 14 June 1904.

[196] Ibid.

disclosures, Lagden thought it prudent to contact Saunders in Zululand and the Natal Government about Dinizulu's messengers.[197]

Two additional points need to be made. At no stage did Lawley refute the accusations. Nor after the origins of the plot had been uncovered was Shepstone reprimanded or Lagden congratulated. Small wonder that Lagden was bitterly critical of Lawley for his lack of support.[198] As a result, Lagden submitted his resignation.[199] He desired, if it were "convenient and agreeable" to the Government, to retire and make way for someone else who could introduce reforms on "popular lines". He believed that he was being "harried and hounded" and this would weaken the department and embarrass the Government. However, he wanted an assurance that he would receive "fair pension provision" and be allowed to complete SANAC's work,

Lagden then voiced his objections to the manner that the NAD had been treated by the Executive Council. He had been "knocked about" by reductions and retrenchment which Lagden "regard[ed] as harmful and certain to recoil". This meant that the NAD could not do "fair justice" on the mines, in the country or to the white people. Lawley apparently handed the matter over to Milner who persuaded Lagden to continue as the Commissioner of Native Affairs.

The third session of the Transvaal Legislative Council appears to have been an extremely unpleasant and acrimonious affair. It had an inauspicious start for Lagden when Lawley stated, in his opening remarks, that the prevalent "commercial depression ... is traceable to the continued paucity of unskilled labour".[200] An interesting

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197 Ibid., Lagden to Saunders, 16 June 1904 and Lagden to Leuchars, 16 June 1904.

198 Lagden Diary, 1904, 22 June.

199 Lagden Papers, Mss Afr S, Lagden to Lawley, 19 June 1904.

200 Debates of the Legislative Council of the Transvaal, 1904, p. 2.

statement by Lagden, in a reply to a question from RK Loveday was that it was true that he had refused to receive a deputation from the AMEC because he did not regard "the agents of that Church as representatives of the Natives of South Africa",. nor did he think it desirable to discuss with them "matters relating to the political attitude of the Government or to the laws of the Colony".[201]

An editorial in the Rand Daily Mail[202], entitled 'Native Policy and Ethiopianism' certainly put Lagden in a furious mood. In a mocking tone, the Mail assured its readers that nothing had been heard from Lagden about a "sane policy" towards the "Ethiopians". It considered that when "experts" such as Offy Shepstone had to inform the country about the latest developments, then the NAD had failed and that the "Government as a whole [had] contributed to the fiasco of which every native authority in the country complains today". Lagden's diary entry was to the point: "Verily ... I loath it".[203] Unfortunately for Lagden, there was much more to come.

When EH Solomon spoke, he pointed out to the Legislative Council that:

> the head of a department like that of Native Affairs should have the confidence of the people living in the country; and ... he did not think the present Commissioner of Native Affairs had the confidence of the people in the Colony.[204]

Then, probably to raise Lagden's ire, he went on to argue that because of its members, SANAC's report was unlikely to be taken seriously. It would have been better to have the evidence published on a daily basis so as the public could draw its own conclusions.

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201 Ibid., p. 148.

202 Rand Daily Mail, 9 July 1904.

203 Lagden Diary, 1904, 9 July.

204 Debates of the Legislative Council of the Transvaal, 1904, p. 398.

What was needed, in EH Solomon's opinion, was a "strong policy" and he challenged members of the Council to assert that Lagden's policy had been "strong" or "wise" or even "generous". He believed Lagden to be the "laughing stock" of the country. He could not even collect taxes! Then, he alleged that Lagden had retrenched his "strong" men and handed over their powers to magistrates.

At this juncture, Sir Richard Solomon, Leader of the Legislative Council, intervened. He asserted that Lagden's experience was "Second to none", that he had "conscientiously discharged the important duties of his office to the satisfaction of the Government" and that retrenchment was a Government policy and a collective responsibility. More criticism came from RK Loveday[205] who argued that retrenchment could not favour a "strong native policy" and never had there been a more important time to pursue a "strong native policy" than the present. Government policy was "absolutely wrong" and the sooner they had more commissioners, the better:

> The only way was through the Native Commissioners, who must live in the districts where the Natives lived and have a perfect knowledge of the number of Native residents in the district: if they had not that knowledge, they would not be able to collect taxes.

Hence, if 300 000 Africans were required to pay taxes at £2, this meant that £600 000 should have been collected each year, but the figures produced stated collections thus far of £271 000 and £275 000. Answering this charge, Lagden rather weakly admitted to arrears in collection and attempted to explain the delays through the census, shortage of transport for collection personnel and the enforcement of various cattle regulations.[206] Lagden should have, in fact, challenged the figure of 300 000 potential tax-payers and pointed out that the collections thus far had been nearly three times as successful as in Republican times.

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[205] Ibid., p. 406.

[206] Ibid., p. 408.

Bourke[207], probably the best disposed `unofficial' member of the Council towards Lagden, made several points which supported Lagden's views and the policy he wished to pursue. He stressed the value of "direct and immediate" supervision of Africans, the need to employ experienced men well-known to their wards, and to keep the Commissioners informed about the labour supply. In concluding, he argued that:

> Instead of decreasing the authority of the Commissioner of Native Affairs, the Government should try to act so that the department would be a powerful influence and so that the Natives would recognise it in the same way as they had recognised Sir Theophilus Shepstone in the many years during which he governed the African of the country.[208]

Loveday added that retrenchment was a "penny wise and pound foolish policy"[209] whilst EH Solomon believed Lagden's explanations as being "absolutely unconvincing in every possible way".[210] He then pressed Lagden for details about his future policy but Lagden failed to respond, even though Solomon believed it to be Lagden's "bounden duty" to outline his future policy. He concluded his attack with another swipe at Lagden:

> I can only repeat, he will not retain the confidence of the people unless the suggestions I have made, are carried out, that is that some strong and firm native policy should be carried out by the Government.[211]

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207 Ibid., p. 411.

208 Ibid., p. 412.

209 Ibid., p. 414.

210 Ibid., p. 416.

211 Ibid.

By the end of all this, Lagden was extremely bitter and annoyed. He "loathed this bastard form of government and its vulgarities" and laid the blame for such attacks at the feet of Lawley "who is our nominal head and supporter [but] is too weak to support us and is in the hands of the enemy".[212]

Other parties preferred to use more subtle tactics on Lagden. The Transvaal Landowners Association, a powerful group likely to be affected by any SANAC decisions on land and squatting, entertained him over dinner and had "useful discussions".[213] Perhaps more surprising was the decision of Schalk Burger and Louis Botha, leaders of Het Volk, to seek an interview with Lagden. Both were to decline invitations to present evidence to SANAC. Coming after the Boer Congress held in Potchefstroom[214], they no doubt informed him of various decisions taken. At any rate, Lagden enjoyed the meeting.[215]

Prior to Lagden's departure to Rhodesia, the NAD annual report for 1903-4 was released. In his general introduction Lagden stuck to his well-known clichés and euphemisms. He deprecated "violent changes" in policy because they led to "disturbance and unsettlement" and resulted in "confusion and trouble". Indeed, there were "no short cuts in native affairs and no remedies to be found in immature legislation which had often produced results of a reactionary nature".[216] He then criticised those who approached the `Native Question' in a "spirit of irritation" and embarrassed those who were pursuing "the safest course" and making "silent efforts" to deal with the problem. He believed that the crux of the matter was the desperate need for African labour and the exhortations being made by Europeans to obtain it:

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212 Lagden Diary, 1904, 30 June.

213 Ibid., p. 7 June.

214 SNA 221/1213/04, `Boer Congress', contains cuttings from the Transvaal Leader on the Congress. Also, The Star, 23-5 June.

215 Lagden Diary, 1904, 30 June.

216 TAR: NAD, 1903-4 , pp. A1-2.

> But so long as the European races are placed in the position of imploring the Native races to work for them, and are obliged to offer wages which agriculturalists, in particular, cannot afford to pay, the Natives will regard themselves as important economic factors, and will believe that they occupy a position in which good manners are not essential.[217]

Fortunately for Lagden, the troubles of the Transvaal did not impinge on his time or distract his thoughts until the completion of his report in January 1905. However, it cannot be doubted that his onerous duties as Commissioner of Native Affairs must have weighed heavily on Lagden and reacted adversely on his ability to manage SANAC.

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[217] Ibid., p. A2.

CHAPTER 8

THE SANAC REPORT. NOVEMBER 1904 - MARCH 1905.

SANAC commenced the formulation of a report on 7 November 1904 when it was decided that Lagden, assisted by Sloley and Stanford[1], would deliberate on the heads of evidence. The pressures on Lagden and the anxieties he experienced increased immeasurably. The amount of work necessitated long and arduous days frequently stretching late into the night. The real fear was that SANAC, like the Transvaal Labour Commission, would fail to produce a unanimous report. To counter this, Lagden decided that majority views would prevail but dissenting minorities would be able to state their opposition. Another factor which weighed heavily with Lagden was his belief that the Commission generally, and certain individuals, especially Samuelson, were deliberately being obstructive and uncooperative. Lagden's description and reports of the proceedings reveal the heavy strain of responsibility, his emotional temperament and his inability to successfully draft appropriate resolutions. A more acceptable account is offered by Stanford, who perceived the slow progress as a result of the recognised importance of the task faced by SANAC and real differences of opinion.

Lagden cannot be criticised over remarks such as this is "real labour"[2] and drafting the land tenure section required real "brain effort".[3] He needs to be approached with caution when complaining that Samuelson was being "most obstructive"[4] or that it was "rather depressing to see all your labour mutilated by men who cannot ... write

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1 Lagden Diary, 1904, 7 November.

2 Ibid., 23 November.

3 Ibid., 24 November.

4 Ibid., 6 December.

... their thoughts on paper".[5] Perhaps significantly, there is not a single word of praise or thanks to any of the commissioners or staff. Further, when he departed for Johannesburg at Christmas, Lagden recorded that he left "the other members ... to do their share ... but they are shirking".[6]

Extracts from Stanford's diary indicate a rather different and more convincing picture. For instance, whilst land tenure was under discussion, he noted the "good deal of friction and diversity ... as it must be ... I can see an evident tendency to restrict Native rights and privileges".[7] Later, he bemoaned the fact that "We got on slowly ... [and] the real pith of our report has not yet been reached".[8] Towards the end of compiling the report, he commented that:

> We have been working steadily at our commission work, [some chapters] have been through the 'mill' more than once.[9]

Finally, when the report had been completed and signed he noted:

> we adjourned to the Club and at the insistence of the Chairman had some champagne. We drank our health but without a speech and I hurried off home.[10]

A rather weary and depressing finale after sixteen months of hard labour and effort.

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5 Ibid., 19 December.

6 Ibid., 23 December.

7 Stanford Diary, 1904, 21 November.

8 Ibid., 28 November.

9 Stanford Diary, 1905, 12 January.

10 Ibid., 30 January.

Terms of Reference.

The purpose of the Commission was to gather "accurate information"[11] on matters relating to Africans and their administration, and to offer recommendations to the various governments, "with the object of arriving at a "common understanding" on questions of policy.[12] SANAC believed that it would be possible to arrive at "uniform principles" in a future united South Africa, but because of the "diverse conditions" and "varying degrees of civilized advancements", an immediate uniformity would be impracticable. The Cape, with its "flexible ... administration" which allowed for "greater tolerance" for traditional customs, was regarded as most suitable during the slow process of assimilation. Uniformity would have to be achieved through evolution.[13] Indeed, as the Natal Mercury stated, it would have to be a case of festinate lente.[14]

A major issue was who exactly was a 'Native'? SANAC recommended that:

> the word 'Native' shall be taken to mean an aboriginal inhabitant of Africa, south of the Equator and to include half-castes and their descendants by Natives.[15]

This would ensure that the offspring of any liaisons between Coloureds and Africans would be regarded as African. As Gavin Lewis[16] has pointed out, such a decision caused Coloured leaders to fear that they

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11 SANAC, I, para 1.

12 Ibid., para 2.

13 Ibid., para 56.

14 Natal Mercury, 10 February 1905.

15 SANAC, I, para 74.

16 G Lewis, Between the wire and the wall, pp. 41 and 68.

would be regarded as African and not whites in the future.

The Land Question.

Land policy was regarded as the central issue because:

> From it there is a common origin of many serious Native problems. It dominates and persuades every other question, it is the bedrock of the Native's present economic position and largely affects his social system.[17]

The Glen Grey Act[18], no 25 of 1894 received extensive treatment as to the circumstances of its origins, the broad principles involved and conditions liable to lead to forfeiture of land.

It was noted that there were 42 locations in Natal totalling 1 044 000 morgen with a population of 227 708 people but these locations were inadequate and caused 421 080 to reside on private (white-owned) land. In addition, there were "great numbers" on land owned by absentee landlords. Anti-squatting laws were a "dead letter".[19]

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17 SANAC, I, para 75. For a discussion of land by SANAC, see DR Burton, `The South Africa Native Affairs Commission, 1903-5: an analysis and evaluation', unpublished MA dissertation, Unisa, 1985, pp. 99-123.

18 Ibid., paras 86-9. For full details on Glen Grey, TRH Davenport and KS Hunt (eds), The right to the land, Doc 58, pp. 36-7. For the origins of individual land tenure and the Glen Grey Act, EJC Wagenaar, `A history of the Thembu and their relationship with the Cape, 1850-1900'. Ph D thesis, Rhodes University, 1988, pp. 225-40. Individual holdings amongst the Thembu went back to 1848 whilst individual landownership was introduced in 1868. Despite initial affluence, Wagenaar records widespread opposition to individual ownership amongst a majority of Thembu. By the 1890's, there were definite signs of "arrested progress" as well as complete rejection of the labour clause of the Glen Grey Act. She concludes that the Act was largely a failure.

19 SANAC, I, paras 93, 106, 108. Also H Slater, `Land, labour and capital in Natal: the Natal Land and Colonisation Company, 1860-1948', Journal of African History, 16, 2, 1975, pp. 257-83.

The Transvaal received detailed treatment.[20] African locations covered 645 095 morgen with a population of 123 309.[21] As with all African locations, no payment was made to government for rent or use. By Section 22 of the Pretoria Convention(1881), a Native Location Commission had been created to define the boundaries of locations. Until this had been accomplished, no fresh grants of land were to be made. Further, no boundaries were to be altered without the consent of the Locations Commission especially in Waterberg, Zoutpansberg and Lydenburg. The local commissions which had been appointed had not completed their labours when war had broken out in 1899.[22] However, SANAC claimed that these commissions had resumed their work.

Africans in the Transvaal had been very active in purchasing, usually by tribal subscription, 259 962 morgen of land.[23] This was mainly occupied by communities rather than individuals. However,as the Pretoria Convention (Section 13) stated:

> Natives will be allowed to acquire land, but transfer of such land will in every case be made to and registered in the name of the Native Location Commission, and hereinafter mentioned, held in trust for such natives.[24]

Subsequently, the Superintendent of Natives replaced the Commission as trustee. Since 1902, the Commissioner of Native Affairs had been the trustee. However, in many cases, land purchased was registered in the

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20 SANAC, I, paras 117-27. Much of this material was taken from Report by the Commissioner of Native Affairs relative to the acquisition and tenure of land by Natives in the Transvaal, GY Lagden, 24 July 94. This was published separately as an unnumbered Transvaal Blue Book.

21 SANAC I, para 118.

22 Ibid., paras 119-20.

23 Ibid., para 121.

24 Ibid., para 122.

names of unofficial Europeans and missionaries as trustees.[25]

As in Natal,large numbers of Africans, approximately 438 000, resided on occupied and unoccupied lands owned by Europeans and companies.[26] All such people were subject to the Squatters Law of 1895 which permitted five families per farm. The law was not being enforced at present and was "practically a dead letter".[27] This had enabled large numbers of Africans to congregate and form unauthorised locations on private farms. These people paid rental by providing labour or cash. There were also 180 427 African living on sections of Crown lands. They paid the Government, as landlord, an annual rental of £1. They were also liable to pay the normal poll tax.[28]

It would appear that no major study has been attempted on who actually owned such land. Much of it belonged to wealthy Boers who utilised the squatters as labourers. Often, where two farms were owned by one white, one was farmed by the squatters who lived on the second, providing the labour. Other land was owned by mining and industrial companies. Squatters on these farms normally were required to provide an agreed amount of work on the owner's mines and factories. Until further research is conducted in this field, it is probably safe to consider Marion Lacey's impression that the bulk of absentee owned land being controlled by mining groups as being exaggerated.[29]

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25 Ibid., para 123.

26 Ibid., para 124.

27 Ibid. Also, 'Memorandum on the subject of the Squatters' Law', TAR: NAD, 1903-4; and, Slater, 'Land, labour and capital in Natal', pp. 257-83.

28 SANAC, I, para 127.

29 M Lacey, Working for Boroko. The origins of a coercive labour system in South Africa, pp. 120-8. To unravel the question of who owned land with absentee landlords would be a major task. See SNA 239/2572/04, 'Information on Unoccupied European owned farms'. In the Potgietersrust district there were 122 owned by land companies, 32 individual farmers and 65 'unknown'.

SANAC, unlike Louis Botha[30], was against any compulsory measure of sub-division and individual holding of locations set apart for African occupation.[31] However, it recommended that "movement in that direction" be encouraged. Also, that where Africans "exhibit in sufficient numbers" a desire to secure a capacity to hold and enjoy individual rights to arable plots and residential sites on such lands that they be granted opportunities. Whilst agreeing with this generally, Natal delegates objected to its application to the Natal Native Trust Lands.[32]

The thinking here is easy to comprehend. SANAC realised that not only would compulsion provoke a public outcry, but it could easily lead to widespread African resistance.[33] It would have been extremely difficult, if not impossible in 1905, for any South African state to have forcibly "broken-up" African locations. The need for cheap and exploitable African labour was widespread. It was assumed by white administrators that as individual tenure became more widespread amongst Africans, those without access to land, would readily provide labour to meet the needs of the rapidly growing industrial society being moulded in South Africa where locations were often misleadingly depicted as havens for idle male loafers.

Individual tenure was highly regarded by SANAC and was seen as the solution to several pressing problems:

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30 Transvaal Labour Commission, 1903, Evidence of General Botha, pp. 501-6.

31 SANAC, I, para 147.

32 Ibid., paras 152-5.

33 Ilange Lase Natal, 27 September 1903, described Botha's views as "notorious", "dangerous in the extreme" and believed that if such a policy had been proposed by an African he would "have been placed in gaol as the apostle of a new and dangerous propaganda". Merriman suspected that "this was ... an idea of Milner's to reconcile the whites over the body of blacks. A diabolical project worthy of the man ...", Merriman Papers, 1903/187, Merriman to Alice Merriman, 4 October 1903.

> Individualism is ultimately conducive to greater industry, enterprise and production ... it disintegrates tribalism, checks retrogression and promotes progressive growth in a healthy manner; further, that a higher sense of responsibility is created whereby those in occupation of holdings must realise that they have much to lose by misbehaviour.[34]

The locations were close to becoming congested and it was likely, if communal tenure continued, that the land would be occupied in increasingly uneconomic lots, resulting in a fall in production. To stall this, SANAC favoured, wherever possible, the implementation of the Glen Grey Act of 1894.[35] This had become law in the Cape in August 1894 and was often regarded by whites as a model piece of legislation suitable for adoption throughout southern Africa. Rhodes's speeches about Glen Grey waxed lyrically about its benefits:

> To the missionaries he put the gain to them in stabilising the payment of teachers in their schools ... To magistrates he put the opportunities that would come from the development of their districts. To commercial men, better roads and better circulation of money were points he made at once. To the native headmen and councillors he urged the value of the opportunity to them of developing their country educationally and the advantages of better means of communications, thus enabling them to bring their produce to the best markets. He also impressed on them that the Council System was the beginning of local self-government for them on new lines.[36]

Unashamedly, Rhodes had announced that his real interest was to increase the flow of wage labour from the Transkei. He reasoned that "It must be brought home to Natives that in their future nine-tenths

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[34] SANAC, I, para 150.

[35] Ibid., paras 152-5.

[36] JW MacQuarrie (ed), The reminiscences of Sir Walter Stanford, II, p. 166.

of them will have to spend their lives in daily labour, in physical work, in manual labour". He professed it to be the duty of government "to remove these poor children out of their state of sloth and laziness, and give them some gentle stimulants to go forth and find out something of the dignity of labour".[37]

Bundy has analysed the Glen Grey Act as follows:

> It sought to restructure social relations in the Cape's African reserves; to accelerate the process of proletarianisation; to redefine the terms of access to the basic means of production, arable land; to reduce the participation of Africans in the Cape electoral system; and finally, to create a new level of local administration.[38]

To achieve this, the Act had three main concerns: taxation, land tenure and local administration. Apart from the existing hut tax, there would be a new ten shilling district rate as well as a ten shilling labour tax for those who did not work for wages for a period of three months per annum. Revenue thus collected would relieve the Cape government of the cost of administering the Transkei. Schools, roads and other infrastructural developments would be met out of increased local revenue. The crucial provisions of land tenure allocations were a survey and the granting of individual title. Those who received title would receive the deed and then pay an annual quitrent of fifteen shillings. The proposed four morgen allotments could not be subdivided and would be inherited by the law of primogeniture. This would create a limited class of smallholding agriculturalists and deny land to younger brothers who would, of necessity, be forced into the labour market. Finally, the proposed local administration paved the way for the

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[37] Cape House of Assembly Debates, 26 July 1894, CJ Rhodes, pp. 366-7.

[38] C Bundy, 'Mr Rhodes and the poisoned goods', in W Beinart and C Bundy, Hidden struggles in rural South Africa. Politics and popular movements in the Transkei and Eastern Cape 1890-1930, pp. 139-40.

creation of local district councils, at the expense of franchise rights as land held in Glen Grey lines was not recognised for the franchise.

Rhodes justified the council system as follows:

> to keep the minds of the natives occupied ... If they allowed them to think of their roads and their bridges, and even to deal with the appointment of scab inspectors and with the planting of forests, they would occupy their minds usefully ... Having proposed that they should form councils, so that it should not be a farce let them tax themselves, and give them funds to spend in the matter of building bridges.[39]

From the outset, the Glen Grey Act provoked bitter African resistance. None more so than from the presumed loyal Mfengu. As Elliot, the Chief Magistrate noted, Fingoland was "passing through a great crisis"[40], even Rhodes himself was unable to solve through a personal appearance. After defending the labour clause, Rhodes was told:

> Hamba! Hamba! Asizi ku rola! (Go!Go! We won't pay it).[41]

It is well known that the labour clause met widespread and virtually unanimous popular opposition in districts where its application was intended. It was eventually repealed in the Cape. However, individual land tenure also fell away in the Cape as a central administrative objective.[42] Principles of primogeniture and the non-divisibility of plots were largely dropped. Also, the local councils met opposition from chiefs in some areas and commoners in others. In addition, the African press of the eastern Cape openly and consistently supported

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39 Cape House of Assembly Debates, 26 July 1894, CJ Rhodes, pp. 366-7.

40 Quoted by Bundy, 'Mr Rhodes and the poisoned goods', p. 138

41 Ibid.

42 Ibid., p. 141.

African opposition and resistance to the Act and its extension.[43]

Apart from its extensive hearings in the Cape, SANAC's Cape representatives were well-informed on the Glen Grey Act. Thompson claimed to have assisted Rhodes in drafting the Act[44], whilst Stanford, as head of the Cape Native Affairs Department, was extremely well-informed.[45] Cape Blue Books after 1902 painted rather depressing accounts of the areas where the Act was in force. Also, as Bundy has revealed, there was great opposition to the Act in East Griqualand where, despite the dropping of the labour clause, resistance continued unabated.

Individual tenure has received extensive treatment by Russell Ally.[46] The conclusions of his exhaustive and thorough investigation merit close attention. Ally sees in the origins of the system an attempt to destroy tribal society and to incorporate Africans into the structures of colonial society. On the one hand, there would be peasant participation within the settler agrarian economy whilst the remainder of African society would become part of the rural labour force in the employ of Europeans.

This was radically altered by the discovery of minerals. Hence, there was an emphasis on Africans as a working class rather than as surplus producers. Cecil Rhodes's Glen Grey `Bill for Africa' of 1894 represented:

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43 Ibid., p. 156. Imvo Zabantsundu, 31 January 1905 described the Glen Grey Act as "Neboth's vineyard". Also Imvo, 10 December 1902 and 24 June 1903.

44 N Rouillard, Matebele Thompson, p. 225.

45 Cape Blue Books on Native Affairs, 1903, p. 7; 1904, pp. 12-3; 1905, pp. 7-8; and, Bundy, `Mr Rhodes and the poisoned goods', pp. 148-55.

46 RT Ally, `The development of the system of individual tenure for Africans with special reference to the Glen Grey Act, 1894-1922', unpublished MA dissertation, Rhodes University, 1985, pp. 262-71. However, in a short paragraph it it impossible to do justice to Ally's scholarly analysis of such an important topic.

> a conscious and deliberate legislative attempt to bring into existence a working class to minister to the needs of the developing economy ... a working class that would be completely separated from the land.

From the outset, the Glen Grey Act faced insuperable problems. Africans were extremely suspicious of the intentions of the Government and preferred the 'old' and 'tested' order of things. They rejected the changed conception of land ownership and usage, its increased taxation and bureaucratic form of administration. After 1913, the system was abandoned in favour of its direct antithesis, migrant labour and reserves.

Despite all of the above, SANAC saw great merit in the Glen Grey Act but wished to avoid the repercussions of attempting to enforce the labour clause.[47] Permanent occupation of land by Africans should be guaranteed subject to certain reservations. Land was liable to forfeiture because of conviction for rebellion, treason or sedition; failure to occupy the land beneficially; failure to punctually pay such rent or taxes as due or a second conviction for stock theft. This latter point was regarded as being of extreme importance:

> Stock thieving is the besetting sin of the aboriginal Natives ... [and] it is imperative to attach severe penalties for stock thieving to lands under individual tenure, otherwise they might become harbours of criminals.[48]

Other reservations included, the right of resumption of the whole or any portion of the lands for public purposes but with due compensation. All rights to minerals and precious stones were retained by the state.

SANAC favoured the granting of individual tenure along the following lines: each individual lot would be approximately four morgen (the

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[47] SANAC, 1, para 155.

[48] Ibid., para 159.

rationale behind the four morgen was that it could not be economically sub-divided and would force younger sons to seek employment in the white sector and was the size of the Glen Grey Act); that such land could not be mortgaged or pledged; there could be no alienation or transfer without Government sanction; succession would be to the rightful heir except that widows would have the right to use the land until re-marriage or death or the heir already occupying another holding; and that a commonage be set apart.[49] However, it was keen to stress that it did not "advocate the exercise of undue pressure for its acceptance and admitted that it would be a long time" before Africans favoured individual tenure along the lines proposed.[50] Further, a majority favoured individuals purchasing more than one lot.

A minority of Stanford, Sloley and Dickson argued that Africans deserved greater security of tenure for locations which had been occupied by their forefathers than SANAC was offering.[51] They believed that "save for rebellion, their land should not be taken from them". On the other hand, another minority of Krogh, Hamilton, de la Harpe and Thompson, acutely aware of white society's labour needs, believed that Africans who resided on land reserved for them by the Government, should pay rents based on the productive value of such land.[52] The reasoning was that the Africans would have to stimulate production or go out and earn wages to meet the rents and taxes imposed on them.

Squatting.

Closely associated with land was the problem of squatting. It is important to note that Lagden himself regarded the problem in the Transvaal to be the direct consequence of the failure of the Republican

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[49] Ibid., para 162.

[50] Ibid., para 163. Even educated Mfengu opposed the Glen Grey Act. See FN 43. This point is emphasised by Ally, `Glen Grey Act', p. 123.

[51] Ibid., para 165.

[52] Ibid., para 166.

Government after 1881 to fulfil its obligations to Africans by providing adequate locations as promised by the Pretoria Convention.[53] By and large, within the Transvaal, this was not a popular stance. However, both in SANAC deliberations and during 1905-7, Lagden remained adamant.

"Squatter" was defined by SANAC to include Africans who resided on Crown lands not formally designated for African occupation and who were not entitled to the privileges accorded to Africans who resided on "permanently allotted locations".[54] It also included all those Africans on private property who were "not labour tenants nor in continuous service of the owner or occupier of such property". Hence, when Crown lands were sold, Africans on such land would have to come to agreeable terms with the purchasers as regards rents and labour. SANAC decried land speculators who purchased Crown lands (or any other land) and then proceeded to rent it, at high rates, to Africans. Such a practice was "pernicious"[55], as it encouraged "the far-reaching evil of absentee landlordism", as well as barring the progress of the African by insecurity of tenure. There were other objections such as that the system restricted the supply of labour, allowed Africans to use land that could be better utilised and developed, as well as tending to lessen control over such Africans.

When one considers the above, in the light of the statistics provided in the Land Tenure report, it is possible to realise the great potential for change and manipulation of the African population of South Africa. In Natal there 421 080 Africans living on private farms; in the Orange River Colony there were 195 494; in the Transvaal there

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53 Ibid., para 174b. The Memorandum on the acquisition and tenure of land, emphasised this, p. 6: "If a population be driven from pillar to post, with no fixity of tenure, no hopes and no minimum of comfort, it must always be a menace to the peace of the country and be detrimental to its best interests. Even the wild animals have their harbours of retreat or perish".

54 SANAC, I, para 167.

55 Ibid., para 168.

were approximately 438 000 on private farms and 180 427 on Crown lands. In Southern Rhodesia, 151 503 lived on land owned by the British South Africa Company.[56] Clearly, any decisions taken by SANAC, if implemented, could bring about major changes. However, Lagden had no illusions about the practicalities of implementing any squatter legislation. In February 1904 he had persuaded the Transvaal Executive Council not to enforce the Squatters Law.[57] That law was a direct incentive to the promotion of labour tenancy as an alternative to share-cropping. Labour tenancy was clearly the primary objective of government until the 1913 Natives Land Act. Subsequently, there would be a move to discourage labour tenancy and replace it with wage labour.

The Cape Location Act, no 30 of 1899, was regarded by SANAC as the most successful legislation designed to restrict and regulate squatting. The Act had greatly influenced SANAC's recommendations. The general tendency in South Africa was to restrict the number of African families per farm to three or five, regardless of size and requirements. However, the Cape based limits on working conditions only. In excess of this limit, no African was allowed to live on private property unless the place was licensed as a private location. The purpose was to distribute labour more evenly.[58] SANAC suspected, on strong grounds, that in some colonies, squatting was tolerated in spite of restrictive enactments, as rents were a useful income to landowners.

There were two options open, according to SANAC, in dealing with squatting: to remove squatters or to regulate their activities.[59] The lack of statistics complicated matters but it could be assumed that in

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56 Ibid., Natal, para 106; Orange River Colony, para 115; Transvaal, paras 124 and 127; and, Southern Rhodesia, para 133.

57 'Memorandum on the Squatters' Law', p. B18. EC 32/118/04, Resolved: "It is not desirable at the present time to bring the Law in its present form into general operation in this Colony", 23 February 1904.

58 SANAC, I, paras 169-70.

59 Ibid., para 171.

Southern Rhodesia, the Transvaal and Natal, that large numbers of Africans were squatting on Crown or private lands. In each case, special circumstances existed.[60] In Southern Rhodesia, the Ndebele and Shona uprisings had led to large locations becoming private farms. In the Transvaal, Africans on Crown lands had still not had their claims investigated; whilst in Natal, under pressure from white farmers, the Government prohibited the sale of Crown land to Africans, including those with exemption. Realistically, SANAC recognised that to:

> summarily eject this population [was] calculated to cause discontent and serious distress.

However, it was:

> immediately desirable and practicable ... to regulate such occupation as a policy on clearly-defined lines.[61]

Hence, it was resolved that the "unrestrained squatting" of Africans on private farms was an "evil" and was against the best interests of the country. Therefore, only bona fide servants (and their families) of the owner/occupier, should be permitted to live on private lands except with Government sanction which would only be given when the presence was necessary or desirable.[62] Except for labour tenants, such people would be subject to an annual licence to be paid by the owner/occupier. As regards Crown lands, permission to reside there should not be given unless an adequate rent was charged to the occupier. All tenancy contracts exceeding one year should be in writing and approved by a Government official, who would ensure that the contract was clearly

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60 Ibid., paras 173-4.

61 Ibid., para 175. On Natal, see J Lambert, 'African purchases of Crown lands in Natal 1880-1903', The South African Journal of Economic History, 3, 1, 1988, pp. 45-60.

62 SANAC, I, para 181.

understood by the African.[63]

With regard to the purchase and leasing of land, SANAC believed it crucial to recognise the "repugnance" felt by whites "to the invasion of the neighbourhood by Natives for residential purposes". It favoured the principle of segregation as already applied in urban areas.[64] It had to be realised that Africans were buying land in considerable numbers:

> The capacity to purchase, by collective process if necessary, is today in excess of what it formerly was ... there is a manifest effort on the part of Natives today being made to possess land which is not counteracted by any reluctance on the part of European holders to dispose of it, so long as the sellers are not themselves bound to live in proximity.[65]

There was, in the interests of Europeans, a great need to halt this process. However, some opportunity had to be open to "deserving and progressive Native individuals" to acquire land. Therefore, SANAC recommended that African purchase of land "should in future be limited to certain areas, to be defined by legislative enactment", but that any purchase likely to lead to tribal, communal or collective possession or occupation by Africans, should not be permitted.[66] It is likely that SANAC was more influenced by Africans reverting to subsistence

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[63] Ibid., para 183. Lagden was well aware that farmers in the Transvaal were loath to enter into such contracts. Only 400 completed Master and Servants agreements were registered with district commissioners in 1903-4, Memorandum on the acquisition and tenure of land, p. 7.

[64] Ibid., para 190. However, TRH Davenport, The beginnings of urban segregation in South Africa: the Natives (Urban Area) act of 1923 and its background, Institute of Social and Economic Research, Occasional Paper no 15, 1971, p. 5, suggests that segregation in urban areas as only effectively implemented in the Orange Free State.

[65] SANAC, I, para 191.

[66] Ibid., para 193.

production rather than the problems of succession. Nevertheless, Africans would still be able to purchase land but would not be allowed to come into conflict with European landowners over possible stock-theft and market rivalry.

Such clauses were purposely introduced to segregate European and African landowners but equally to restrict the attempts of both progressive peasants and dynamic traditional leaders to obtain either land for themselves or their following. The rise of the progressive peasant was a real threat and challenge to white commercial farmers and landowners. Indeed, the ability of Africans to utilise the extended family, with its labour potential, was one of the key features of the period.[67]

The above was strongly resisted by Stanford.[68] He clearly defended the Cape practice of permitting Africans to purchase land where they chose. He argued that the acquisition of land by Africans was not only a powerful incentive to loyalty but a check on tribalism. Further, he failed to see how the safety of Europeans could be increased by denying Africans the right to purchase land on an individual basis. Such an "artificial restriction" on the purchase of land in the Boer republics had resulted in the evasion of the law, and afforded great opportunities to fraudulent trustees. Finally, increasing numbers of Europeans were entering land regarded as being set aside for Africans. Stanford's objections failed to elicit any support from Thompson, his Cape colleague.

Further objections came from Samuelson and Campbell.[69] They argued that Africans were able to purchase land already in the Cape, Natal and Rhodesia and that such a restriction was in conflict with the major

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[67] This is well illustrated in C Bundy, The rise and fall of a South African peasantry; and, T Keegan, Facing the storm. Portraits of Black lives in rural South Africa.

[68] SANAC, I, para 198.

[69] Ibid., para 199. See the map of Natal enclosed in SANAC I, for a very clear view of African land tenure.

object of encouraging individual tenure. Also, Asiatics and "coloured races not of African descent" were able to purchase land whilst Africans would be excluded except in limited areas which were in unhealthy or unsuited for irrigation and cultivation. (It is interesting to note that later, in 1905, the Zululand Delimitation Commission banned Indians and Africans from buying up land in Zululand.)

The Natal delegates argued that the resolution affected and limited the right of free trade possessed by every subject of the British Empire including the Africans of South Africa.[70] Finally, they opposed the resolution as it was based on racial or colour lines and did not consider any other factors such as material and social progress, advancement from tribal life and customs, polygamy and new methods of living and cultivation. They believed the major factors influencing landownership by Africans should be the "degree of civilisation" attained, the abandonment of polygamy and living under Colonial not African law. Subject to this, they professed to favour unrestricted rights and opportunities for the purchase of land by Africans. The major concern here appears to have been that the sale of land to Africans was a very widespread phenomenon. This is conclusively proved by SANAC's map of land tenure in Natal. Sale of land to Africans was of great benefit to the colony's whites who were able to sell low quality land at high prices. It would be naive to consider that they were particularly concerned with fundamental principles and human rights.

In concluding the land section of the report, SANAC believed that a Trust should be established, as in Natal, "for the disposal and management of reserved lands ... for the support, advantage and well-being" of Africans. Such Trusts would be created by the respective Governments. Reserves would be defined by legislation and "would be formally dedicated to the use of the Native people".[71] Therefore, SANAC recommended:

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[70] Ibid.

[71] Ibid., para 204.

1. That the time has arrived when the leaders dedicated and set apart, or to be dedicated and set apart, as locations, reserves, or otherwise, should be defined, delimited and reserved for the Natives by legislative enactment.

2. That this should be done with a view to finality in the provision of land for the Native population and that thereafter no more land should be reserved for Native occupation.

3. The creation, subject to adequate control, of Native locations [for] residential purposes near labour centres or elsewhere, on proof that they are needed.

4. That the right of occupation ... shall be subject to a condition of forfeiture in case of rebellion.[72]

Where land was held by trustees, SANAC believed that it should be converted into individual holdings when desired by the Africans concerned. Finally, for all lands set apart for Africans, the Crown should reserve all mineral rights, the right to removal and re-entry in the case of rebellion and power to apply regulations.

Again there were major objections from the Natal representatives.[73] The objections reveal a very strong desire to ensure that Natal representatives would have no part in land resolutions. The first objection was that when land had already been "dedicated or set apart", no legislative enactment was necessary.[74] Secondly, "it was the duty

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[72] Ibid., para 207.

[73] A convincing explanation of the political economy of Natal is provided by Bundy, A South African peasantry, pp. 183-96. Briefly, white rural landowners benefited from the markets created by mining developments in the Transvaal as well as the granting of 'responsible government' in 1893. They found it more profitable to farm the land themselves than to rent the land to Africans.

[74] SANAC, I, para 210.

of the Imperial Government ... to secure and safeguard Native interests and rights in the land in a permanent and legal manner" and, finally, that when Africans were not represented in a legislature and "would be unable by constitutional means ... to resist an adverse vote or protect their interests", such legislatures should not be competent to handle such matters.

Further, the Natal delegates, supported by Sloley and Dickson, wished to have special Boards of Trustees created.[75] This would provide greater security and permanency, would reduce the likelihood of pressures from popular feeling and convey a sense of bona fides. Such was the strong feeling of the Transvaal representatives that the principle of payment of rent should be applied in the case of all land set aside for African occupation, that their recommendation should be noted under Land as well as taxation.[76]

It suffices to mention that the above resolutions were to form the basis of much Union legislation as regards land and squatters. Soon after the completion of the SANAC report, Lagden informed Lawley, the Lieutenant Governor of the Transvaal, that it was opportune and appropriate for the Transvaal Government to complete the task of delimiting the African locations of the Transvaal as promised at the Pretoria Convention. Accordingly, the Transvaal Native Location Commission was appointed in 1905 to implement Paragraph 207.[77] Much better known is the Natives Land Act of 1913 which attempted to regulate squatting in the entire Union as well as implement the segregation principles propounded by SANAC.[78] Indeed, the SANAC land resolutions may be regarded as the single most important sections of the entire report.

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[75] Ibid.

[76] Ibid., para 211.

[77] LTG 121/110/8, 'Memorandum by the Commissioner of Native Affairs upon the Report of the South Africa Native Affairs Commission in its relation to the Transvaal', pp. 4-5.

[78] Government Gazette Extraordinary, No 361 of 5 May 1913. Also, Davenport and Hunt, The right to the land, Doc 68, The Natives Land Act, no 27 of 1913, pp. 42-3.

Tribalism.

SANAC's handling of the Tribal System was remarkably moderate in tone. For instance, HJ Simons believed that SANAC saw "tribalism [as] a spent force [which] no longer menaced settler communities nor kept men off the labour market".[79] Indeed, there is much to commend this view. Two other points need to be stressed: native commissioners dominated SANAC and would inevitably adopt a conservative stance towards tribalism, and, SANAC appears to have been remarkably influenced by the Barry Commission of 1883 of which Stanford had been a junior member.[80] Two paragraphs in particular appear to have been taken to heart:

> although natives have nothing corresponding to a representative form of government, their existing laws embody the national will, and that no Chief would attempt to alter a law without taking the opinion of his councillors, or referring a change to the people.[81]

And:

> [It was] unwise at the present time to negotiate with the Chiefs for a surrender of their rights. [It would create] the effect of making them attach an undue value to these rights.[82]

SANAC observed that the "absolutism of the Chief is tempered by institutions which keep it in check" and that the tribal system was:

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79 Quoted in Bundy, 'Mr Rhodes and the poisoned goods', p. 149. For a discussion of how SANAC proposed to mould African societies, Burton, 'SANAC', pp. 139-67.

80 Report and proceedings with appendices of the Government Commission on Native Laws and Customs, January 1883, Cape Town, G4-83. For Stanford's views on the Commission, Stanford Papers, C31, 'Reminiscences', pp. 371-85. (This should not be confused with the VRS volumes which are based on C31!)

81 Commission on Native Laws and Customs, para 31.

82 Ibid., para 45.

> a form of government perfectly understood by Natives, carried with it mutual responsibility and suretyship, and required implicit obedience to authority. It possessed a ready means of communication and control extending from the Paramount Chief to the individual Native in his kraal. It embodied an unbroken chain of responsibility.[83]

Thus SANAC saw no immediate threat or danger from tribalism and was content to allow the institution to continue and be modified. Such was the effect of changes brought about by increased contact with white society that it opposed "the enactment of a statutory code based on Native law"[84] and suggested that a small handbook be produced, for reference by commissioners, with a description of Native law and custom, which would be useful as a help towards uniformity in administration. In February 1907, the Transvaal produced such a book.[85]

Cutbacks in Native Affairs personnel as had occurred in the Transvaal were criticised because there were now areas with large African populations with a "numerical insufficiency of Magistrates and Native Commissioners, qualified by experience to deal with Natives".[86] More men were required to ensure an "efficient supervision" and to "expedite the despatch of business". In other words, to benefit the Government rather than Africans.

Urban Centres.

Perhaps the most striking development within South African society in the early years of the twentieth century was urbanisation. Traditionally, there has been a tendency to see this phenomenon as one

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83 SANAC, I, para 213.

84 Ibid., para 232.

85 The laws and regulations specially relating to the Native population of the Transvaal, Pretoria, 1907.

86 SANAC, I, para 244.

largely, if not exclusively, applicable to whites. Much modern scholarship has modified this view and African urbanisation must be regarded as a national problem in 1905.

In a paper published in 1971, Davenport[87] has shown that it was during the Milner era in which urban segregation went ahead on an organised basis in all colonies in South Africa. In the Cape, following the establishment in 1901 of Uitvlugt, outside Cape Town, because of the fear of the plague, the Sprigg Government decided in 1902 not to allow those Africans to return to their previous residential areas. It therefore passed the Native Reserve Location Act which turned Uitvlugt (renamed Ndabeni) into an urban location under the direct control of the central government. The Act enabled the Government to impose restrictions more suited to urban then rural conditions: the prevention of influx and overcrowding, the provision of properly constructed houses, medical services and schools, control over livestock, public transport, curfew regulations, trading and the registration of individuals for one purpose or another. As a result of this Act, New Brighton was established near Port Elizabeth.

In Natal, where urban centres were close to African reserves, the presence of Africans in towns was a central issue. Natal towns, and especially Durban, sought protection from an "inrush of disorientated peasants". Natal's regulations owed much to Theophilus Shepstone who saw the African influx in search of casual work to be the major difficulty. Casual workers were given five days in Pietermaritzburg or Durban to enroll as a `togt' or daily paid labourer, having their names

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87 TRH Davenport, `The beginnings of urban segregation in South Africa: the Natives Urban Areas Act of 1923 and its background', ISER, 15, 1971; M Kagan, `African settlements in the Johannesburg area, 1903-1923', MA dissertation, University of the Witwatersrand, 1978; C Saunders, `Segregation in Cape Town: the creation of Ndabeni', in S Archer and C Saunders (eds), Africa Seminar: Collected Papers, Vol 1, 1978; MW Swanson, `The sanitation syndrome: bubonic plague and urban native policy in the Cape colony, 1900-1909', Journal of African History, XVII (3), 1977, pp. 387-410; MW Swanson, `"The Durban System": roots of urban apartheid in colonial Natal', African Studies, 35, 1976, pp. 159-76. The outline in the text is largely derived from Davenport.

placed on a register, wear a badge, pay 2s. 6d. a month and accept employment from a householder who would pay them at rate determined by the magistrate.

These regulations were superseded by an enabling Act in 1902 which removed the supervision of `togt' labour from the Governor and placed it in the hands of municipal authorities. They were empowered to administer the system in their own way and could require `togt' labourers to live in compounds. In 1904, the Natal legislature decided to deal with the accommodation problem of urban Africans by enabling town councils to establish locations on lines similar to the Cape Act of 1902, except that the initiative was left with the town council and not given to the central government.

Early urban segregation in the Transvaal dealt with Asians rather than Africans. The Republican Act of 1885 gave the Government power "for purposes of sanitation, to assign to them certain streets, wards and locations" for "the native races of Asia". The existence of the mine compound system reduced the urgent need for any special provision to be made for Africans. The Municipal Corporations Ordinance of 1903 authorised town councils to lay out locations and to regulate "the housing of natives by their employers and the licensing of casual labour". Like the Natal Act of 1904, this was enabling legislation. However, the right of town councils to control both locations established under the 1903 Ordinance and those which were already in existence before the Ordinance was passed, was not clearly laid down until 1905.

The Precious and Base Metals Act of 1908 further restricted "any African or Asiatic native or any other person who is manifestly a coloured person" from residing on land proclaimed for mining purposes "except in bazaars, locations, mining compounds, and such other places as the Mining Commissioner may permit". The Act did not promote strict residential segregation on the Rand because its provisions did not apply:

> to coloured persons in the employ of a white person insofar as they live on the premises where they are employed nor to coloured persons who at the commencement of this Act were lawfully in occupation of premises.

This permitted, according to Davenport (p. 5), a wide enough loophole to allow not only the continued residence of domestic servants on their employers' premises, but also the survival of unsegregated residential areas in Johannesburg and elsewhere.

The Orange River Colony was the most deliberately segregationist colony in South Africa. There, "coloured people" were defined as members "of any native tribe in South Africa, and also all coloured persons". They could neither own nor lease fixed property. Town councils were empowered to "keep separate one or more locations where coloured people must reside within the municipal or town limits", with the exception of those who lived on their employers' premises.

After the establishment of British rule, the Bloemfontein Municipal Ordinance of 1903 contained rules for the running of locations which were extended to other municipalities in 1904 and to the villages in 1906. White people were prohibited from living in locations. Further, all location residents were required to obtain either a certificate, showing that they were employed or had a permit to work on their own account, within forty-eight hours of their arrival in the town for the first time. The town council was given "blanket control" over the locations.

It can be argued that SANAC's attitude reflected contemporary practices, but, it does not appear that the colonial governments considered granting individual tenure within the locations nor that they were prepared to create decent urban locations along the lines of white suburbs.

Remarkably, SANAC had relatively little to say on urbanisation. Earlier on in the report, SANAC made reference to the urban areas being "segregated".[88] However, in its coverage of urban locations, this was

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[88] SANAC, I, para 190.

not repeated. SANAC favoured local authorities assuming responsibility for their control and management but that Government should be responsible for regular inspections during daytime. Despite the horrific conditions in many such locations,[89] Lagden had considerable experience of many urban locations on the Witwatersrand. Stanford had been heavily involved with Cape Town's Ndabeni location[90] whilst Samuelson and Campbell, at the very least, should have had vast knowledge, if only, from the press, of conditions in Durban and Pietermaritzburg.[91] The Commission as a whole had heard many witnesses bemoan urban conditions for Africans.

SANAC played down these conditions and merely reported that "several leave much to be desired"[92] and it was most desirable that workers be encouraged to stay in the cities for long periods but, bad accommodation, overcrowding and overcharging led to dissatisfaction and restlessness. Opportunities needed to be created so that Africans could acquire their own holdings for residential purposes within the locations.[93] Security of tenure needed to be provided so that they could make improvements. Further, such locations needed to be within easy access of the towns so that fares, which at present were high, could be kept low.[94] The main reason for this was that high charges for rent and transport, ultimately fell on employers. In order to provide a "better regulation" of locations, it was deemed necessary to appoint resident Superintendents who would be able to protect respectable, industrious Africans from criminals who provided illicit

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89 Ibid., para 247.

90 This is clearly revealed in Saunders, `Segregation in Cape Town'.

91 Dhupelia, `FR Moor and Native Affairs in the colony of Natal, 1893-1903', pp. 145-51, provides some details.

92 SANAC, I, para 248.

93 Ibid., para 249.

94 Ibid., para 251.

drink and encouraged prostitution.[95] Both of these tended to lead to vagrancy. Indeed, urban locations were not to be a refuge for the surplus rural population or the idle. These should be expelled and sent back to the rural areas.[96]

With its concern for labour, SANAC believed that certain conditions were necessary upon the purchase of land by Africans and that areas for Africans should be defined by legislation.[97] Indeed, the absence of any accommodation for wives and families "affects very adversely the supply of labour" with regard to both numbers and duration of work.[98] SANAC's recommendations on urban locations appear to have been almost completely ignored except that Lagden was able to persuade the Transvaal Government that African labourers who resided in urban locations should be granted a reduction in taxation from January 1907. However, as was made very apparent, the main reason for this was to assist employers rather than workers.

Pass Laws.

Of all the means of controlling and regulating the Africans of South Africa, the Pass Law is probably the greatest symbol of African oppression and exploitation.[99] The purpose behind the pass laws as seen by the mines and Milner's Administration was to get the African to his place of work and then to keep him there until the completion of his contract.[100] Passes were the most important measure in

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95 Ibid., para 252.

96 Ibid., para 253.

97 Ibid., para 254.

98 Ibid., para 255.

99 F Wilson and M Ramphele, Uprooting poverty. The South African challenge, pp. 207-16. Between 1916 when the first statistics were recorded until 1986 when the pass laws were formally abolished, the total number of people prosecuted in South Africa for being some place without official permission was well over 17 000 000. All were African, p. 208.

100 SNA 11/442/01, Milner to Chamberlain, 6 December 1901, p. 7. Without pass laws, Milner argued, there would be "pandemonium" in the Transvaal with Africans passing between the goldfields and their homes.

counteracting desertion. Hence, efficient and effective Pass Laws were of greater importance than might initially appear to be the case. Apart from the obvious vexations experienced by Africans, there was much to complain about in the implementation of the Pass Laws especially when Africans travelled across several colonies. This was realised by both Milner and Lagden, as well as native administrators generally. A large part of the problem was the ill-treatment and lack of consideration Africans received from local officials when in transit to and from the mines.[101] Letters between Milner and JS Moffat, a missionary in Bechuanaland, reveal the former's awareness of the problem[102], but also his reluctance to take a strong stand against callous individuals and indifferent companies.

SANAC regarded Pass Laws as "still necessary" but pleaded that the African "be hindered as little as possible" and that attention needed to be especially directed to the "needless and vexatious" detention of Africans for long periods when travelling.[103] Attention also had to be given to better facilities on the railways, the creation of rest houses and sanitary arrangements, all issues raised by Moffat. Once travelling passes were issued, SANAC recommended that they should be in force until the completion of the journey. If thought necessary, the passes could be checked, without charge, at the first post office encountered in a colony or possession.

Other suggestions included: that there be a uniform pass, perhaps with a distinctive colour for each colony; African conductors be appointed to generally assist African labourers en route to work and that railway officials be instructed to remember that travelling Africans were paying passengers and were entitled to reasonable attention.[104] There

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101 SANAC, I, para 264.

102 GOV 577 PS 250, Moffat to Milner, 13 March 1903; and, Milner to Moffat, 1 April 1903.

103 SANAC, I, para 264.

104 Ibid., para 266.

should be separate accommodation for Africans, first, second and third class and that carriages be set aside for their use only. It would have been appropriate to note that Africans should not have to travel in cattle trucks or open freight wagons. However, considering the tenor of the report, it must be admitted that the above was a major criticism of the railways and their officials.

Christianity.

With regard to Family Life and Habits, SANAC observed that African contact with Europeans and Christianity was "slowly but surely transforming the whole social system and life of the Natives"[105] and that, since the rinderpest epizootic of 1896-7, money had become the "great medium of business" instead of cattle. There appears to have been a general consensus that African society was being rapidly transformed and becoming increasingly amenable to the demands of an industrialised society. Perhaps the most significant comment made on this topic was the repetition of the opinion stated on Urban Locations:

> So long as it is impossible for the Native to marry and make his home, return nightly to his family and live comfortably, near the great centres of labour, so long will there be the yearning to return frequently to his distant home and so long will the flow of labour be impeded.[106]

Christianity was regarded very highly by the Commission as a very effective agent in bringing about desired changes in African society - the need to be continuous labourers.[107] SANAC believed the colonial governments to have a responsibility to elevate the morals and

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[105] Ibid., para 269.

[106] Ibid., para 274.

[107] SANAC's resolutions on Christianity have been analysed in detail by JR Cochrane, Servants of power. The role of English-speaking Churches in South Africa, 1903-1930, pp. 56-68.

intellects of the "subject race".[108] This elevation depended greatly on the acceptance by Africans of the Christian faith and morals. As there was "no inherent incapacity to apprehend the truths of Christian teaching" it was essential that Christian values and attitudes be inculcated into Africans.[109]

Both Lagden and Stanford were practising Anglicans and regular churchgoers. Both had personal experience of missionary work and had great admiration for missionaries and their work in introducing Christianity, literacy, industrial skills and Victorian principles to Africans. Indeed, even amongst missionaries, there was the realisation that Christianity was only a part of the socio-economic package that they had to offer Africans.[110] By and large, apart from the occasional renegade like Joseph Booth[111], the overwhelming majority of missionaries favoured a full-scale onslaught on African society, its values and attitudes. Hence, a modern scholar like James Cochrane has vehemently denounced many of the early missionaries and their willingness to collaborate with white society in their efforts to radically reform African society.[112] Rick Elphick has adopted a less hostile position but concedes that missionaries consciously set out to destroy much of the African's world and mould it along the lines of Victorian Britain.[113] Indeed, the relations between Church and state

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108 SANAC, I, para 282.

109 Ibid., para 288.

110 Cochrane, Servants of power, pp. 56-68.

111 The career of Joseph Booth is well covered in G Shepperson and T Price, Independent African, the biography of John Chilembwe, the Nyasa missionary who led the abortive uprising against the British in 1915.

112 Cochrane, Servants of power, Chapter 2, `The critique of missions and missionaries', pp. 12-48. He is particularly impressed by Nosipho Majeke, The role of missionaries in conquest, which is extremely critical of missionaries.

113 R Elphick, `Africans and the Christian campaign in Southern Africa', in H Lamar and LM Thompson (eds), The frontier in history. North America and South Africa compared, pp. 279-80.

in South Africa have become increasingly complex as injustice, oppression and exploitation have become increasingly apparent. It must be remembered though, that as the SANAC report was likely to provoke considerable criticism, the Commissioners, and Lagden in particular, were keen to mobilise the support of the Church for their report. However, there remained the personal convictions of both Lagden and Stanford which should not be pushed aside lightly.

One of the most accepted myths amongst whites in South Africa was that polygamy enabled African men to live a life of luxury and ease whilst their numerous wives toiled as slaves. However, virtually all native commissioners knew this view was incorrect and misleading. Ironically, one result of labour migrancy was that it placed a great reliance on the women left behind. More than ever, agriculture depended on them. SANAC appreciated that it was "one of the cherished customs of the conservative heathen" but was convinced that the custom had "almost run its course".[114] Hence, although it was an affront to the Christian view of marriage as "the sacred union" of one man and one woman for life and that "fidelity to a single love was as much the duty of the man as the woman", SANAC reasoned that the custom did not have to be "put down with a strong hand" as polygamy was on the decrease due to an array of factors: the increased cost of living, the loss of cattle and the consequent increase of the difficulties in obtaining lobola, the increase in the proportion of men marrying as well as the advance towards Christianity.[115]

The African Voice.

SANAC next considered three closely associated topics: the Church Separatist Movement, the Native Press and Native Political Associations. All were considered as threats and challenges to white

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[114] SANAC, I, para 293.

[115] Ibid., para 293.

South Africa[116] but SANAC was forced to approach them with considerable expediency. To ban such activities would presumably drive them "underground" and potentially increase their threat to white society, whilst British officials and public figures were likely to take a disapproving view at such harsh actions. Therefore, SANAC had to be rather circumspect. As is evident in Chapter 6 and Chapter 9 the resolutions appear to be very hollow and hypocritical.

The Separatist Church movement was regarded as "a desire on the part of ... the Christianised Natives to be freed from control by European Churches ... [but with] little doctrinal divergence ... [and] relaxed strictness in the moral standard [previously] maintained".[117] However, as long as it remained free of mischievous political tendencies, no action need be taken against it so as to avoid accusations of religious persecution. Hence, it resolved that SANAC:

> would not advise any measure of legislative repression, unless unforeseen developments render it necessary, considering that effort should rather be directed towards securing efficient constitutional control and organisation.[118]

The African press of this time should not be underestimated as a force within the changing conditions of the early twentieth century. Indeed, the coverage of events, critique of policy and general comment on the issues of the day, provide the modern researcher with a wealth of material and views probably not available elsewhere. Whilst this press was best developed in the Cape and Natal, it appears that efforts were

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116 See Odendaal, Vukani Bantu!, pp. 40-63.

117 SANAC, I, para 319. The classic study of 'Ethiopians' is BGM Sundkler, Bantu prophets in South Africa.

118 SANAC, I, para 321. On Ethiopianism, see Odendaal, Vukani Bantu!, pp. 23-9 and 82-6.

made in the Transvaal[119], by educated Africans, to emulate the example of Dube, Plaatje, Jabavu, Soga and Rubusana.[120]

SANAC believed that the African press had "not arrived at maturity" but nevertheless, "threw interesting light" on the thought of the educated African. However, it was not, in SANAC's opinion, a "faithful reflex of the opinion of the more staid and experienced men who are in closer touch with the masses".[121] This point is debatable. It is possible in the columns of the Koranta ea Becoana to perceive a deliberate attempt being made to inform urban Africans of rural issues and the whereabouts of traditional leaders.[122] The reason for such a statement was that SANAC wished to limit the credibility and influence of the African press which, on many issues, compared favourably with its white counterparts.

SANAC recognised the African press being the "result of the educational advancement of Natives, developing without restriction in the liberty of thought and speech permitted them under the British

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119 This appears to have been a major aim of Levi Khomo, editor of The Native Eye, and Secretary of the Transvaal Native Vigilance Association who lived in Pietersburg, SNA 212/749/04, `Interview between Khomo and SNA', 8 April 1904. Khomo was probably the source of much of Koranta ea Becoana's coverage of the Transvaal, 1902-4.

120 All of whom received, in white eyes, a considerable degree of notoriety because of their critiques of white rule. See L Switzer and D Switzer, The Black Press in South Africa: A descriptive bibliographic guide to African, Coloured and Indian Newspapers, Newsletters and Magazines, 1836-1976.

121 SANAC, I, para 322.

122 A common criticism of educated Africans was that they were not representative of African society. African newspapers consulted, in my research, reveal a definite attempt to maintain links between chiefs and all their subjects, rural and urban. For an outline and evaluation of Koranta ea Becoana, See Willan, Sol Plaatje, pp. 104-24.

flag".[123] The press was regarded as providing a "fairly accurate chronicle" of events resulting in a "wider dissemination of contemporary knowledge". Hence, it was valuable as an "index to a certain aspect of Native thought, though not as yet, a faithful guide to Native opinion".[124] It should not be regarded as a "symptom of disloyal tendencies" but a result of a "rapid assimilation of European methods before their objects are fully understood, or their privileges sufficiently appreciated to prevent occasional misuse". Such paternalism can hardly be taken seriously today.

Political Associations were seen as being very closely aligned with the press and were viewed in the same light. Their value was that they sought to attain their ends by constitutional means and their activities were open to the public. Hence, SANAC saw:

> no occasion for repression of the desire shown by certain sections of the Natives to form Societies for the promotion by constitutional means of what they believe to be their political interests.[125]

None of the commissioners, and certainly not Lagden, had much empathy with, let alone sympathy for, the educated African elite. Lagden found his temper more stretched by this group than any other sector of African society. Indeed, in the light of events before and after the SANAC investigation, these sections must be regarded as "window dressing" and "euphemistic platitudes".

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123 SANAC, I, para 323.

124 Ibid.

125 Ibid., para 325.

Appropriate Education.

Of much greater concern and relevance was the section on Education. As already noted, the basic thinking and approach was formulated by Sargant and the aging Dr James Stewart of Lovedale.[126] Once a policy had been evolved and approved by Milner, Sargant had accompanied SANAC to Rhodesia to win over support for his proposals. As African education was a very controversial matter, and viewed with much scepticism by white South Africans, the SANAC resolutions must be viewed as being of great importance in formulating lines of development and basic concerns. Whilst Sargant and Stewart were responsible for drafting the policy, there is nothing in their proposals that would have worried Lagden. Indeed, he thoroughly supported all the proposed measures. Whether other commissioners were as enthusiastic as Lagden is doubtful. Sloley, for one, had reservations. There is evidence to suggest he opposed the emphasis Lagden placed on sending the better calibre Basotho students to Lovedale[127], and certainly, when he addressed the Lovedale students in October 1903, he informed them that work and obedience were far more important than passing examinations.[128] Indeed, even the liberal John Merriman favoured more "industrial" and less "academic" training for Africans.[129]

SANAC felt bound to admit that they had found "very marked divergencies of opinion" with regard to education and that there was much opposition to using public money to support African schools.[130] However, SANAC was of the opinion that the African was more "useful and contented"

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126 Stewart Papers, BC 106 C 193, Sargant to Stewart, 17 May 1904; 13 July 1904; 19 July 1904; 20 July 1904; and, 23 August 1904. The fullest statement can be found in ibid., Sargant to Milner, 24 June 1904, a letter of 20 pages.

127 Lagden Papers (Wits), Basutoland, D1, Stewart to Lagden, 4 May 1900 and Lagden to Stewart, 20 July 1900.

128 Imvo Zabantsundu, 1 December 1903.

129 Merriman Papers, 1903/85, Merriman to MacKarness, 25 April 1903.

130 SANAC, I, para 326.

when brought under the control of the European as he acquired "habits of industry" and a "knowledge of simple forms of the agricultural and mechanical arts". Regrettably, education had had the effect of creating in the African "an aggressive spirit" and an "exaggerated sense of individual self-importance".[131] It also had to be recognised that it had a "beneficial influence" on Africans by "raising the level of their intelligence" and also by "increasing their capacity as workers".[132]

A widespread fear of many white South Africans was that an increasing number of South African blacks were becoming involved with radical negro students in the United States when attending colleges and universities there.[133] As there were no such facilities in South Africa, Africans who desired a higher education had to travel abroad. This was considered undesirable and needed to be halted.[134]

A major principle suggested by SANAC was that the costs of African education be met by local contributions.[135] The Glen Grey Act made provision for the raising of taxes for local use. This would alleviate the white Governments' difficulties. SANAC professed they should contribute more generously than had been the case.[136] Thereupon it was able, since:

> education had been beneficial and that its effect upon them had been to increase their Natives capacity for usefulness and their earning power:

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131 Ibid., para 328.

132 Ibid., para 329.

133 Ibid.

134 Ibid. Also, G Shepperson, 'Notes on negro American influences on the emergence of African nationalism', Journal of African History, 1, 2, 1960, pp. 303-5.

135 SANAC, I, para 340.

136 Ibid., para 341.

to resolve

a. The continuance of Government grants in aid of Native elementary education.

b. Encouragement and support [be given] to efficient industrial training

c. A central Native college ... be established and aided by the various States, for training Native teachers and in order to afford opportunities for higher education to African students.[137]

Other resolutions stated that Africans should contribute towards the education of their children, that there be instruction in the elementary rules of hygiene and that there be regular moral and religious instruction.[138] Despite the apparent lofty principles propagated above the final remark on education was more sober and realistic. Education needed to be viewed as "fitting him [the African] for his position in life".

> Nor must it be forgotten that the great demand of South Africa, at present, is for the unskilled or partially skilled Native labourer.[139]

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[137] Ibid., para 342. With regard to the "central college", see 'Statement by the Reverend James Stewart, MD, DD, November 1905, Kerr Papers 14756; and, ibid., 'The South African Native College, Fort Hare. Historical statement by Mr. K.A. Hobart-Houghton and Dr. N. MacVicar, July 1945'; and, ibid., 'S. A. Native College. Fort Hare Recollections: Dr. Neil MacVicar', undated but probably 1945. SANAC's recommendation that a central college be established clashed with the scheme of the South African Native Congress to establish a college for Africans through the Queen Victoria Memorial Scheme. For details, Odendaal, Vukani Bantu!, pp. 66-8.

[138] SANAC, I, para 342.

[139] Ibid., para 343.

He was there to meet the requirements of white South Africa.

Liquor.

SANAC's handling of liquor was short and predictable. It noted that the evidence was "overwhelming in favour of total prohibition to Natives" and believed them to be "constitutionally incapable of being a moderate drinker".[140] Hence, it determined that the sale or supply of spirituous liquors to Africans should be prohibited, the penalties for the contravention of the above should be uniformly severe throughout South Africa and that no licence should be granted to sell or supply spirituous liquors within any location or reserve. Lagden probably still had irksome memories of the sale of illicit liquor along the Free State-Basutoland border in the 1880's. However, "kaffir beer", if less than 4 per cent spirits, was regarded favourably as a food as well as a drink which had great value as a preventative of scurvy and "kindred complaints".[141]

Labour.

The section on labour must be regarded as crucial and of central importance in coming to any understanding of the the report. Significantly, SANAC fully accepted the conclusion of the 1903 Transvaal Labour Commission that the demand for cheap unskilled African labour in the Transvaal was in excess of the supply by 129 000 and that a further 196 000 would be required in the next 5 years.[142] Also, that there was no adequate supply of labour available in central and South Africa to meet such requirements. To contemporaries, this meant Chinese labour was essential. SANAC believed that is was their task to ascertain: why the supply of labour was not forthcoming; what were the

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140 Ibid., para 348.

141 Ibid., para 356. Only in the Transvaal was there a total prohibition on the sale of liquor to non-whites.

142 Ibid., para 357; and, Transvaal Labour Commission Report, 1903, pp. XXXIV-XXXV. For a discussion of SANAC and the labour issue, see Burton, `SANAC', pp. 85-98.

causes for the failure of Africans to meet requirements; and, what practical measures could be recommended to improve the position.[143]

It is pertinent to point out that SANAC did not give consideration to the broader implications of the labour question. For instance, it assumed that non-white labourers would be the unskilled workers even though there was a considerable supply of unemployed whites on the Rand. Nor is there any mention of Africans being engaged in skilled or semi-skilled positions or of the possibility that the figures may have been inaccurate, by accident or design. In short, SANAC was not really concerned with the needs of Africans and what was best for them but with how to assist the Chamber of Mines in its search for unskilled African labour.

It is not difficult to see SANAC's work on labour as a rather badly disguised justification for Chinese labour and its comments are remarkably similar in tone to Lagden's Legislative Council speech on Chinese labour in December 1903.[144] The South African African was noted for his preference for 3 to 6 months contracts of continuous work on the mines and in industries.[145] This was explained by the fact that he was really a pastoralist and agriculturalist. As the mines were at a great distance from most locations and reserves, it would, SANAC believed, be unreasonable to expect adult male Africans to leave their wives and families for longer periods in search of work.[146] As a result, only 15 per cent of Africans employed on the mines were from British colonies, the remainder being drawn from elsewhere in Africa and Asia.

This was followed by a clear examination of the conditions under which Africans lived in South Africa. By and large the description given

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143 SANAC, I, para 358.

144 The Star, 31 December 1903.

145 SANAC, I, para 365.

146 Ibid., para 367.

reflected Transvaal conditions rather than the whole of South Africa. Large numbers, almost half, were reckoned to occupy land communally and free of charge except for the poll/hut tax. Such people, SANAC believed erroneously, were able to make a living in normal seasons without resorting to wage labour. Those who lived on Crown lands or land of private owners, paid a rent as well as meeting tax payments.[147]

Both such groups had access to land on terms which enabled them to regard work for wages as a "mere supplement to their needs" and, unlike Britain or Europe, did not regard it "as the urgent condition under which the majority of mankind earn their daily bread".[148] However, the widespread belief in South Africa that Africans were "hopelessly indolent" may be dismissed. Africans did not live "lazy and indolent" lives supported by their wives.[149]

It was a straightforward task to explain the labour difficulties of South Africa. The African population had always been pastoral and agricultural and the rapid increase of labour needs had caught the African unprepared. They had never become accustomed to continuous daily labour because of the relatively simple way of life and easy access to land. In addition, paid labour usually meant absence from home and family, often irksome and dangerous work and "the abandonment of the ease, comforts and pleasures of ... village life". Misrepresentation by labour agents and touts and "occasional harsh treatment" had shaken "the confidence" of the African. As a result the Natal and Transvaal Governments had had to resort to the importation of foreign labour which was "deplorable but absolutely necessary".[150]

The issue of higher wages received considerable treatment but SANAC refused to make a recommendation because it was reckoned that to raise

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[147] Ibid., para 371.

[148] Ibid., para 372.

[149] Ibid., para 373.

[150] Ibid., para 377.

the rate of wages in one locality might have the effect of attracting labour to that particular quarter at the expense of other industries. In any case, the increased wages would enable Africans to remain at home in the reserves for longer periods.[151] Furthermore, compulsion was to be deprecated as it was both "unjust and economically unsound". For a labour tax to be effective, it had to be very high. In any case, it was impossible to apply.[152]

SANAC felt that farmers probably experienced worse labour problems than most other employers. It is pertinent to point out that most native commissioners in the Transvaal relied to a considerable extent on the support and friendship of local Boers. Hence, they were attuned to Boer feelings. Also, it is highly likely that Lagden's cordial meeting with Louis Botha and Schalk Burger in July 1904[153] had some influence on him. Indeed, the Boer Congress of 1904[154] had made it very clear that there were several issues which they felt gave them justification to complain. SANAC believed that there should be a strict enforcement of laws designed to check unrestricted squatting and that private locations should be controlled and regulated.[155] Further, that Africans who were farm servants in continuous employment should be exempt from hut or poll taxes.

In order to maximise the local (i.e. South African) supply of labour, SANAC proposed that a series of practical measures be adopted.[156] First, to counteract squatting Governments should refuse to license all

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151 Ibid., para 378.

152 Ibid., para 380.

153 Lagden Diary, 1904, 30 July.

154 SNA 217/1009/04, `Resolutions passed by the Branch of the Zoutpansberg Boeren Vereeniging at a meeting held at New Agatha on 2 April 1904'; and, SNA 221/1213/04, `Boer Congress. May 23-25, 1904. References to Native Matters as reported in the Transvaal Leader'.

155 SANAC, I, para 382.

156 Ibid., para 383.

but necessary labourers on private locations. These locations would be taxed in accordance with the number of able-bodied males resident therein. Secondly, Crown land residents should be charged rentals in accordance with the value of the land. Thirdly, there should be strict enforcement of vagrancy laws in municipal areas and labour locations. Fourthly, there should be more education to increase their efficiency and wants. There needed to be encouragement of industrial and manual training in schools. Fifthly, more had to be done for the protection of the African labourer as regards health, comfort and safety, as well as accommodation and transport to and from the work place. At labour centres, food, housing, sanitation and medical attention needed to be satisfactory. Finally, all taxes and charges for passes, when travelling to labour centres, should be abolished.

For the third time, SANAC deemed it opportune to stress the need for suitable family accommodation near labour centres. This would "diminish the number of those intermittent workers in whom absence from their families induces a spirit of restlessness and a disinclination to remain in continuous employment".[157] It also believed that women needed to be encouraged to seek paid work because, not only would this lead to an improvement in African domestic life because they would learn from Europeans but it would release those men employed in domestic service[158] for employment elsewhere.

In spite of all the above suggestions, Krogh and Hamilton, supported by Thompson and de la Harpe, submitted minority suggestions to "stimulate industry".[159] They wished to impose an annual rent on reserved location lands based on the potential production value, the substitution of individual for communal tenure and make officials pay close attention to the counting of huts liable for taxation and be punctual in the collection of taxes. Whilst the native commissioner contingent would have agreed to the latter suggestion, the first two

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[157] Ibid., para 385.

[158] Ibid., para 384.

[159] Ibid., para 386.

would have been rejected and thrown out.

It is important to show how SANAC's labour proposals fitted in with the overall labour policy of the Milner Administration. It appears that Milner accepted that under prevailing conditions, there were insufficient Africans available in Southern Africa to meet the needs of the industrialising states. The TLC had been created to establish this fact, and thus to pave the way for the importation of Chinese labour because Milner and Lawley, (who had experience in Western Australia), and a majority of mine magnates, rejected white labour on economic and political grounds.

The purpose of the Chinese was, firstly to meet the labour gap; secondly, through the longer contracts increase working efficiency and thereby cut costs and increase profits, and thirdly to exert a stabilising and reducing force on wages. Chinese labour should be regarded as a short-term expedient within a long-term solution.

It was SANAC's task to create conditions which would stimulate the supply of African labour over a period of time. Further, it was also necessary to ensure that the reproductive capacity of African societies, the locations, was not damaged. Hence, labour was at the crux of SANAC's interests.

Taxation.

Taxation was likewise regarded as an essential part of SANAC's report. It calculated that indirect taxes paid by Africans in British South Africa were about 2 shillings per head and that this could only be increased by stimulating their wants and their capacity to earn more money.[160] This would inevitably take a period of time. As regards direct taxation, as paid on an annual basis, SANAC believed that not less than £1 per annum should be paid by every adult male African with polygamists paying an additional £1 per annum, for every additional

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[160] Ibid., paras 389, 401 and 408. For a discussion of SANAC's taxation recommendations, Burton, 'SANAC', pp. 124-38.

wife (or hut).[161] In addition, the following groups should be exempted: farm servants in bona fide and continuous employment and Africans within urban areas who pay local taxes. This was an obvious attempt to alleviate the great labour shortage on farms and to keep urban wages down.

In addition, there was unanimous support for extending the principle of local taxation along the lines of the Glen Grey Act.[162] Three points need to made: local development in African areas would be financed by Africans, such decisions would be made by Africans and, perhaps most important, the Governments would be relieved of financial responsibility for African development - a major consideration in an economically depressed South Africa. Such a decision must be seen as a deliberate attempt to exploit the African. Much of South Africa's wealth and development was partly due to African labour, but the benefits were not to be shared. Any development specifically favouring Africans would have to be financed separately by Africans through additional local taxation.

Whilst a majority of commissioners opposed the application of rent to African locations, a minority strongly disagreed. This minority of Krogh, Hamilton, de la Harpe and Thompson, believed not only that such rents should be paid but that they be based on the productive value of the land. This was justified by the number of "benefits" Africans received.[163] Evidently, the "benefits" were "the peaceful use and occupation" of 141 100 800 acres of land free of rent". However, SANAC as a whole reaffirmed the principle that rent should be paid by squatters on Crown lands and by Africans holding land under individual tenure on what is location land.

Presumably to keep the peace within SANAC, the minority were given the opportunity to lay out their views in detail. They believed that to do

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[161] Ibid., para 406.

[162] Ibid., para 409.

[163] Ibid., paras 413-4.

away with free land would be to strike at much that was unsatisfactory, in their view, in African life - tribalism, communal occupation, polygamy, inertness, the comparative unprogressiveness of the mass, the absence of the desire for or incentive to agricultural or industrial paid labour. Also, that if Africans were permitted to sell and buy land as they desired, in a relatively short time, the number "tied" to the locations would be drastically reduced and released to seek paid labour. This would benefit themselves but also the country and those who remained in the locations.

They then sought to further justify their stance. With the "increased revenue" there would be a "liberal encouragement and endowment" of schools, industrial training institutions, irrigation works, roads, railways, hospitals and "other schemes and works likely to raise the standard of African life and to increase their efficiency as economic units in the State". In short, the minority believed that "If a man does not work, neither shall he eat".[164] That the majority replied with a further justification of their views is a clear indication that they believed that the "liberal encouragement and endowment" to be meaningless and of no substance. Indeed, a sham and a pack of lies.

The majority countered that Africans in locations occupied the "ancestral land" of their forefathers and had, in fact, been restricted there since the advent of the whites. Such Africans had distinct rights which should be regarded as rights of ownership and that there was "no justification for the assumption that they ought to be regarded as in occupation merely as tenants at the will of the Crown, and subject to the payment of annual rent for the use and enjoyment of the land". However, as their indirect contributions to the State were inadequate, they had to pay a direct tax.[165]

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[164] Ibid., para 415.

[165] Ibid., para 417.

As has been shown elsewhere[166], the collection of taxes by the British Administration in the Transvaal was remarkably efficient and a very high yield was obtained. There can be no question that the collections after 1902 to 1907 were considerably more lucrative than those prior to 1898.[167] Transvaal Africans felt the British taxes far more than those of the Republic despite the apparent reduction in the amount payable.

Representation.

Representation received considerable attention during SANAC's evidence sessions as well as in "backroom" discussions with leading personalities which had, in the main, been dominated by Stanford, perhaps the member of the SANAC closest associated with the Cape franchise. As has been noted, the Cape itself was contemplating further changes in their franchise laws.[168] It appears that several of the commissioners were keen to let Stanford lead discussions on representation, and that only those who wished to remove the African vote entirely, were opposed to Stanford. However, with much of white South Africa being adamantly opposed to any Africans obtaining the vote,[169] SANAC was careful to build up a case proving that Africans traditionally possessed greater political power than usually conceded by whites. Indeed, it was pointed out that the Chief's will was:

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166 DR Burton, `The taxation of Africans: Transvaal 1902-7' Kleio, XIX, pp. 47-60. Also, SNA 230/2012/04, `Native Taxation'. This file contains a wealth of information on African taxation before 1899. Virtually all of the original was the work of PA Cronje, Superintendent of Natives.

167 Burton, `The taxation of Africans', p. 60.

168 Stanford Diary, 1904, 4 July.

169 This was most forcibly expressed in the Transvaal Leader, 2 December 1905.

> tempered and to a very large extent controlled by a Council so weighty and influential that no step of serious tribal importance was taken until the whole matter had been discussed at great length.[170]

However, European influence had greatly undermined the power of the Chiefs.

The granting of the franchise, in the Cape, had given Africans a considerable degree of political power, especially in some Eastern Cape constituencies. This development required "fair but resolute treatment" because it was not only "immediately unsatisfactory but pregnant with future danger". Regrettably in SANAC's view, Africans were capable of determining election results. At the same time, it was desirable to extend the franchise to Africans elsewhere in South Africa.[171]

It was not desirable to extend the Cape franchise because it was "sure to create an intolerable situation and [was] an unwise and dangerous thing".[172] It was "unnecessary and impractical" to remove the franchise from those Africans who already possessed it. Some policy had to be formulated which would not "[confer] on them political power in any aggressive sense, or weakening in any way the unchallenged supremacy and authority of the ruling race".[173]

To accomplish this, SANAC proposed, "with entire unanimity" that

> it [was] desirable to allow Natives some measure of representation in the Legislatures of the country.

Representation should take the following form:

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170 SANAC, I, para 421.

171 Ibid., para 437.

172 Ibid., para 441.

173 Ibid., para 442.

a.) That no Native shall vote in the election of any member or candidate for whom a European has the right to vote.

b.) The extent of such representation ... shall be settled by each Legislature, and that at least one such seat should be created in each of the self-governing Colonies in South Africa.

c.) That in each Colony ... there should be created an electoral district or districts in which Native electors only shall vote for the election of a member or members to represent them in the Legislature, and that there should be separate voters' lists and separate candidates for Natives only, but that this should in no way affect the franchise, the voters' lists, or the representation of the European community within such districts.

d.) That the qualification for the Native voter be the same as for the European.[174]

Samuelson[175], obviously intent on reducing the number eligible for the franchise, insisted that Africans should have to pass an educational test, and that no African "who is uncivilised", and who is a polygamist, should be eligible as a voter.

In a letter to Ramsay Collins in September 1904[176], Milner had expressed himself on African representation. For rural Africans, he favoured a separate African Council composed of Africans elected by the Africans. Perhaps with "even a limited legislative power conferred". To prevent "abuse", "there would always be the veto of the Governor". As regards educated Africans his views were remarkably similar to those

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[174] Ibid., para 446.

[175] Ibid., para 447.

[176] Milner Papers, FK 1165, pp. 1405-6, Milner to Collins, 7 September 1904.

voiced by SANAC. He believed that "members returned to Parliament by the Natives voting separately - is much better" [than the present Cape system]. He believed that "Rural white candidates" competing for the support of native voters [to be] bad". This was "giving the Natives too much". On the other hand, having Africans "wholly unrepresented" was "too little". "A knowledge of what the Natives think and want themselves ... should surely be a material (I do not say it should be a decisive) factor in the determination of Native policy". Unlike SANAC, Milner did not believe that property and education tests needed to be identical for black and white: "I should deliberately and quite frankly make the[m] higher for the black, and I am prepared to justify this". However, he did not in this letter!

Immediately after the signing of the Final Report, Lagden, a tired and weary man returned to Johannesburg. He was still under the firm impression that once Windham had had a spell of leave he would return to England on long leave pending retirement or promotion to a suitable post. Milner professed that he was very pleased with the SANAC report and believed that it would be of "permanent value" to all of South Africa and was a record of "highest value".[177] He considered it to be:

> distinguished ... by thoroughness, breadth of view and a judicial spirit, [which] cannot but carry the greatest weight with any statesman who hereafter [may] approach the momentous problems with which it deals.

Indeed, there was widespread reaction, especially in the press, to the publication of the report. South African English-language press, especially, gave the report very extensive coverage.[178] Most, over the space of three or four editions, reprinted it entirely as well as

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[177] LTG 121/110/8, Milner to Lagden, 18 March 1905; and, The Star, 3 April 1905.

[178] Stanford Diary, 1905, rough notes on inner pages provide a very succinct survey.

adding comments on specific sections. African and Afrikaner press for differing reasons, were not so appreciative and were far more critical.

Press Reaction.

The Star[179] emphasised "the impracticality of immediate uniformity" and regarded the report as justifying the need to import Chinese labour. The Rand Daily Mail[180] believed the report to be "succinct and authoritative" and focused on the need to bring the African "under the control of European authorities" as he was "utterly unfitted for the franchise". The Cape Times[181] regarded the report as reflecting a "deep sense of responsibility" but anticipated it would be attacked by theorists and extremists because of its moderate line. Similarly, the Natal Mercury[182], edited by Ramsay Collins, had "little doubt" that the report would be disappointing to many people and would be "branded as weak" and of "little practical value" as it was "only concerned with Native labour". It believed that the report "supplied the ground work of a carefully thought out plan of native policy" and that all future legislators would have to keep this in mind. However, repeating Natalian fears as expressed in the report, it stressed that a "great deal more" needed be done on land tenure. A view William Beaumont was to endorse in 1916 when attempting to implement the Natives Land Act of 1913.[183]

De Volksstem[184] found the report to be "a sore disappointment" and to be in "flagrant conflict with sound Afrikaner ideas". It added

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179 The Star, 8 February 1905.

180 Rand Daily Mail, 11 February 1905.

181 Cape Times, 9 February 1905.

182 Natal Mercury, 10 February 1905.

183 Natives' Land Commission minute addressed to the Honourable Minister of Native Affairs, by the Honourable Sir WH Beaumont, Chairman of the Natives' Land Commission, UG 25-16.

184 De Volksstem, 11 February 1905.

sarcastically that its strength lay in "beautiful coloured but absolute worthless opinions and advice". De Stem[185] of Burghersdorp took exception to the report and pleaded "give them Natives their own country, but let them not rule with us in our own country".

By the time of SANAC's report publication, the Koranta ea Becoana had ceased publication. However, Imvo Zabantsundu was to devote considerable attention to it. It was regarded as a great threat and challenge to Africans because:

> their [resolutions of SANAC] real gravity lies in the fact that, heretofore, the practice of the past has had no sanction, or legal force, whereas now, it is proposed to embody it in the constitution of the country.[186]

The fear here was that the segregationist trends that had emerged were likely to be imposed in the future. Likewise, the desire to differentiate with the franchise was viewed with alarm:

> The British Constitution, with its freedom, impartiality, and liberty, is the greatest possession those within the Empire have. It must not be altered ... to such a temporary and transitional stage such as our people find themselves in.

The decision to separate the voters on racial lines was regarded as having no precedent in the British Empire and was merely allowing "the prejudices of the average Colonists" to become "embodied and crystallised in a statutory form". Jabavu was convinced that the real force behind the Commission was the Cape Premier, Jameson.

In a later edition, Imvo scornfully referred to SANAC as "intellectual pigmies" [sic]. Imvo believed that most Africans did not want to have a "preponderating influence ... in South African politics" but the

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185 De Stem, quoted by Cape Times Weekly, 22 February 1905.

186 Imvo Zabantsundu, 14 February 1905.

commissioners had failed to produce a plan to incorporate the African elite but "render ineffectual `the impending mass'" that had alarmed its members.[187] Although there are no extant copies of Izwi Labantu for 1905, several editions in 1906 referred to SANAC in derogatory terms.[188] Lagden was depicted as a man who had "lost the sympathy of intelligent Natives" whilst his opinions were regarded as "capitalist kites".[189]

In a similar vein, African political organisations opposed SANAC's recommendations. The Transvaal Native Congress held an interview with British authorities in the Transvaal and voiced its objections. It complained of "the deteriorating influences of the Native Affairs Department" whereby the Department was criticised for worsening the position of Africans by undermining chiefs, by imposing high taxes, by failing to provide elementary education, by failing to treat African labour properly under British rule and paying low rates of compensation to Africans after the war. It ended by requesting that "should Responsible Government be granted ... [it] respectfully urged His Majesty's Government to reserve the Natives to the Crown".[190] Attempts by the Transkeian Territories African Union to arrange a `General Native Congress' to discuss the "adverse" report came to nothing. Alarmed that there were suggestions that the Cape franchise should be altered, the South African Native Congress, based in the Cape, concluded that Lagden was merely a tool in the hands of the mining magnates.

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187 Ibid., 21 February 1905.

188 I am indebted to André Odendaal for the loan of his Izwi Labantu microfilm.

189 Imvo Zabantsundu, 20 March 1906.

190 GOV 1012, 50/35/06, `Subjects of Interview', Transvaal Native Congress, undated.

The Historians' Verdict.

Many historians have commented on the SANAC report. The first to do so was WB Worsfold[191] who saw in SANAC "one of the characteristic achievements of Lord Milner's Commissionership" and argued that its value could be seen in "the contribution made by Lord Milner's administration to the permanent solution of the native question in South Africa". Edgar Brookes, writer, teacher and politician, provided a more thorough and less complimentary analysis. To him, SANAC was appointed to provide suggestions for a common `native policy' prior to the federation of British colonies in South Africa so that the Transvaal could receive guidance from `experts'. He believed SANAC to have had no influence on the Transvaal before 1910 and "few results" in South African policy. Hence, SANAC "failed because it did not evolve a real, practicable ... policy [and] it ignored ... the existence of a "poor white" [problem]".[192]

Eric Walker's[193] handling of SANAC stressed the Glen Grey system of tenure, land segregation and the influence of labour on most issues. Sir Keith Hancock[194] adopted a more critical attitude and regarded the report as a "superficial document" because it failed to provide guidelines for the actual implementation of recommendations such as the control of African influx into urban areas, extension of locations and the eviction of squatters.

Colin Tatz's work on Union policies towards Africans highlighted his view of SANAC being of central importance in South African history. He believed that the "essential value of the Commission's report [was] that the very foundations of Union policy were laid down in its

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191 WB Worsfold, The reconstruction of the new colonies under Lord Milner, II, pp. 198-9.

192 EH Brookes, White rule in South Africa, 1830-1910, pp. 106-7.

193 EA Walker, A history of South Africa, p. 508.

194 WK Hancock, Smuts I, the sanguine years, 1870-1918, p. 315.

recommendations".[195] To Rodney Davenport, SANAC reflected "the High Commissioner's own concern for social planning and introduced new rigidities into South African thinking about race relations". He saw three significant features advocated by SANAC: the segregation of rural areas, the development of separate urban areas and political separation.[196] In short, SANAC was the inspiration behind the philosophy of segregation and had an "immense influence" on later political debate. He believed it to be "Central to the thinking of that time".[197] John Benyon considered Lagden an uninspired chairman and saw SANAC's approach determined by the persistent labour crisis of the time. He felt that "the report in no way departed from the fundamental concept of white-controlled union and differentiated black administration that British imperialist, South African colonial and Boer patriot had alike embraced".[198] Like Davenport, he considered the report to be typically Milnerian in its "inflexibility and unimaginativeness of both its predictions and proposals". Its greatest defect was its failure to cater for accelerated economic integration. Burridge Spies saw the extension of individual African land in specific areas and the creation of constituencies for Africans in each colony as being most significant.[199]

The radical view of SANAC, although having its origins in the work of John Hobson[200], has been most persuasively presented by Martin Legassick.[201] He attempted to prove that economic growth and racial

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195 CM Tatz, Shadow and substance in South Africa: a study in land and franchise policies affecting Africans, 1910-1960, p. 6.

196 TRH Davenport, South Africa: a modern history, 3rd ed, pp. 229.

197 Ibid., p. 541.

198 JA Benyon, Proconsul and paramountcy in South Africa: the High Commissioner, British supremacy and the sub-continent, 1806-1910, p. 299.

199 SB Spies, 'Reconstruction and unification, 1902-1910', in CFJ Muller (ed), Five Hundred Years: a history of South Africa, p. 366.

200 JA Hobson, Imperialism, p. 281.

201 M Legassick, 'The making of South African "native policy" 1903-23: the origins of segregation', University of London, Institute of Commonwealth Studies, The societies of Southern Africa in the 19th and 20th centuries, 3.

discrimination were complementary, rather than contradictory forces. He emphasised the great emphasis on segregationist principles and he believed that both the term and the concept owed much to SANAC's report. He correctly viewed labour as being of supreme importance and that the most appropriate means of obtaining labour for future economic growth lay in applying segregationist policies in the rural areas.

Legassick's work greatly influenced John Cell and Shula Marks.[202] In his comparative treatment of segregation in the American South and South Africa SANAC is credited with providing the major ideas for much of South Africa's Native policy between 1910 and 1924. Indeed, there is great merit in this belief. Shula Marks has commented in a similar vein. With Stanley Trapido, she described SANAC as "one of the most far-reaching schemes of social engineering" [of the Milner era] with its proposal to eliminate all tenancy arrangements. Further, Marks and Trapido regard SANAC as "contemplating a more gradual process of proletarianisation than the immediate demands being made by settlers, members of the Kindergarten and others" who proposed a policy based on territorial segregation. They see SANAC as being especially important on land with its "recommendations foreshadow[ing] Union policy over the next quarter-century and more".

Finally, Marion Lacey has provided a valuable appraisal of SANAC. She has emphasised the crucial importance of the Glen Grey Act of 1894 and the Cape Private Locations Act of 1899, along with Richard Rose-Innes's pamphlet on the Glen Grey Act as being the major determinants behind the SANAC report.[203] Indeed, Lacey has shown that SANAC was far more

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202 JW Cell, The highest stage of white supremacy: the origins of segregation in South Africa and the American South, Chapter 3. S Marks and S Trapido, 'Lord Milner and the South African state', in P Bonner (ed), Working papers in Southern African studies, 2, pp. 77-9.

203 Lacey, Working for Boroko, pp. 16-7 and 57-8.

concerned with economic forces than often realised and that the policy of segregation enunciated by SANAC had been formalised in the Cape in the 1890's.

Sources of SANAC.

Before concluding this chapter, it is desirable to demonstrate that, by and large, Marion Lacey's views are correct. The major influences on Lagden can be identified as follows:

a.) the evidence presented in King Williamstown by RJ Dick and R Rose-Innes
b.) pamphlets produced in early 1903 by Howard Pim and Richard Rose-Innes.
c.) pressures exerted by Milner and the Chamber of Mines.

In the previous chapter, as well as this, reference has been made on several occasions to extended deliberations between Milner and Lagden. Unfortunately, neither appears to have kept minutes or notes. As for the Chamber, it would appear that their basic requirements for a plentiful and regular flow of labour, clearly made in 1900 and 1901 were met by SANAC especially with the clear demarcation of African locations.

Perhaps it is not insignificant, that both RJ Dick and Richard Rose-Innes held similar views. It is generally accepted by scholars that the Eastern Cape was the most advanced area (in South Africa) in the field of African education and thus where Africans were most politically aware. Hence, those responsible for Africans and handling their affairs, should have an awareness of this fact. Lagden did to an extent. He was a great believer in practical experience. Further, it was in the Eastern Cape where lived the most advanced and educated Africans of the sub-continent, the Mfengu. Lagden was convinced that the conditions which prevailed in the Eastern Cape in 1903-1905 would be likely to develop in the remainder of the area at a later stage.

Therefore, it made great sense to pay close attention to what was said by leading figures in the area.

RJ Dick's evidence was important in that whilst he favoured the maintenance of rural locations he was able to provide a solution for the "surplus or overflow". He advocated the creation of urban locations for Africans:[204]

> My ideal is to get possession of a large area and survey this up into large fairly large-sized erven, sufficient to give a man space to build a decent home on ... and a little bit of garden attached to it: the families of these men who go out from the locations should then have these places to live in.

Here was an attitude favouring the permanent movement of Africans to towns rather than of labour migrancy.

Rose-Innes's evidence was fairly similar in tone and outlook to that of RJ Dick. He saw a place for the tribal system but favoured the extension and application of the Glen Grey Act.[205] However, he opposed the use of compulsion. He devoted considerable time to political rights because they "counted" a "great deal". Hence, the need to secure the African's "cooperation". Therefore, taxation needed to be increased "slightly" and, "increasing numbers, and the law of supply and demand, will do the rest". He was particularly keen to get at the young men who were able to earn money and would be suitable labourers.

Rose-Innes held strong views on the franchise as he believed the "native vote" to be "very considerable" in King Williamstown, Queenstown and Victoria East. He agreed with Merriman that very shortly, both in Thembuland and Griqualand East, the "native vote" would decide who would represent the constituencies, and, in a number of years, would return their own African members. Of that, there was

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[204] SANAC, II, para 5626.

[205] Ibid., para 8590.

"little doubt".[206] Even missionaries would not be able to influence Africans on this matter.

As Marion Lacey has pointed out[207], The Glen Grey Act and the native question, must be regarded as an essential part of the thinking behind the SANAC report. Not only are the same ideas repeated, but also, on occasions, the identical phrases are used. It would be difficult to point out any paragraph or idea in the pamphlet with which Lagden disagreed. The pamphlet itself was a skilled and persuasive treatment of the "native question". The opening paragraphs encapsulate the main ideas: they stress the seriousness of the problem, the need to combat prejudice and the responsibility faced by the ruling people.

The Glen Grey Act, the labour clause apart, was seen as the salvation and solution of the "native question". Hence, the whole purpose of the Act was shown to be the means whereby those Africans with initiative and energy would acquire control of the land and necessitate remainder of the African population going out to seek work.[208] It provided the opportunity for the educated Christian African to grow and develop and become a great service to the community. It provided avenues for administration and financial responsibility which Africans had "thus far, proved themselves worthy and able to undertake and fulfil". Hence, there was every justification to extend the Act. Of great necessity, was the need to create further "reservoirs of labour" and homes for such Africans where they would be free to come and go to work. However, although more land had to be allocated to Africans, and in large pieces, there was a real necessity for segregation to be the policy of the future.[209]

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206 Ibid., para 8725.

207 Lacey, Working for Boroko, p. 17; and, RW Rose-Innes, The Glen Grey Act and the native question.

208 Rose-Innes, The Glen Grey Act, pp. 5-6.

209 Ibid., p. 33.

Given good treatment, reasonable consideration and a fair wage, Rose-Innes argued, the African does not need labour taxes to induce him to go out and work. This was evidenced by the "visible progress" of the Cape. However, he warned against the dangers of sub-letting and over-crowding as well as the evil of drink.

The European needed to assert his authority and superiority but this did not imply the abolition of the franchise.[210] Because the African received good treatment and had little to complain, of the struggle in the future would be for political rights and recognition, not against cruelty and tyranny. Hence, if the African were denied justice and was treated outside of "the body politic" or "not of it", the problem would be immeasurably increased. Therefore, "Let us open and not close the avenues that lie before him".[211] His solution was that "purely Native constituencies should be created that would return their own candidates".[212] Added to this was the rhetorical question: "How are we to civilize, unless we also Christianize these dark masses?"[213]

Whilst Lagden had been in the Cape in late 1903 gathering evidence for SANAC, he had the opportunity to read Howard Pim's talk to the Transvaal Philosophical Society, The Native Question in South Africa. The paper, presented on 19 March 1903, had subsequently been published. Lagden wrote to Pim[214] and praised it as being "most thoughtfully and well written" and believed that more people should take note of Pim's distinction between "today" and "tomorrow". He was pleased to note that Pim was not like the "great majority" and their chorus of "take away the niggers land", "make the beggar work" and "tax the nigger until he drops". None of these solved anything. He firmly believed that the African had:

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210 Ibid., p. 38.

211 Ibid., p. 49.

212 Ibid., pp. 41-2.

213 Ibid., p. 51.

214 Pim Papers, BL 1, Lagden to Pim, 29 November 1903.

> a defined place in the South African setting. He [was] working and he [was] one of our great financial assets and it [was] a mere wild theory to harass him into despair.[215]

He was so impressed with the paper that he requested a further dozen copies so that he could let each of the commissioners have a copy. The Final Report clearly indicates that Pim complied with the request.

Pim's approach to "native policy" and his reliance on reports of magistrates and the Blue Books struck a responsive chord in Lagden. Pim emphasised:

> the responsibility and the toil and the danger are ours, and we cannot shirk them if we would.[216]

It is clearly evident that Pim had not only consulted the 1883 Cape Commission on Native Laws and Customs[217] and the annual Cape and Natal Blue Books on native affairs but had a very high regard for their contents. He identified three aspects of tribal society as being particularly important: central authority (the Chief), the Family System and the recognised attitude towards land. These needed to be "developed" and should be "the basis to work upon". However, he cautioned against treating all tribes alike as they were, in reality, at different stages of development.

It was obvious, reasoned Pim, that all of these features needed to be "modified under the altered conditions" that they now lived under European rule. Tribal units would have to be "dissolved" to prevent the

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215 H Pim, The native question in South Africa, a paper read before the Transvaal Philosophical Society, 19 March 1903. Also O Schreiner, Closer Union, for similar sentiments.

216 Pim, The Native Question, p. 3.

217 Whilst there are several references to the Cape Commission on Native Laws and Customs in the SANAC report, there is no evidence in the Lagden Papers to suggest that Lagden ever read that Commission's report. The references are from Pim's paper.

"menace" of attacks but this must be done gradually as Africans "strongly oppose any violent or sudden change". Further, another allegiance needed to be substituted for that of the Chiefs but this "transfer" was already under way. Indeed, to complete this transference of allegiance, and consequent disintegration of the tribes, this switch would have to form an important part of any "rational Native policy".[218]

As for polygamy, Pim believed that the necessity for this custom had disappeared but that it would be "most injudicious" to directly attack it. Also, tribal community of ownership of land was "ill adapted" to a thickly populated country as it gave rise to endless disputes. In any case, in most locations, there was little, if any, further arable land available for use. He believed that the time had already come when the land, if held under communal tenure and without individual ownership, "no longer meets the requirements of the people". Therefore, he proposed:

1. Disintegrate the tribes and reduce the power of the Chiefs.

2. Substitute for the checks over polygamy in the "savage state", others equally effective under the altered conditions of civilized life.

3. Define the Africans' position on the land as this influenced labour supply and taxation.[219]

This latter proposal was especially important because, "the key to the conditions affecting Native labour in South Africa is the position which the Native occupies on the land of the country".[220] Pim then quoted the 1883 Commission which reported that it was unable to recommend that anything like a general system of dividing African lands

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218 Pim, The native question, p. 8.

219 Ibid., p. 9.

220 Pim is quoting Benjamin Kidd, p. 9.

and securing the rights of individuals by separate title deeds should be decided, but that every advantage of every favourable opportunity needed to be taken, when requested by the people. The African custom of land tenure should be "superseded by the better system of holding land under individual rights and by separate title deed".[221]

The Glen Grey Act was seen as being very important in that, amongst others, the levied rates helped meet district expenditure, African members of the councils were "evincing an ever increasing interest and intelligence in their work", good roads were being constructed, industrial schools built and sheep scab being exterminated. Indeed, though Pim had searched the Blue Books for the last seven years, he had not come across a single case where sections of the Act were criticised, with the exception of the labour tax which was "unworkable" and needed to be repealed.[222] In any case, he reckoned the hut tax and general rates were "sufficiently stimulating" to make the people go out and work. Further, the "fixity on tenure" meant that each allotment could only produce sufficient food for one family, thus compelling the younger sons to seek work elsewhere and assist the labour supply.

There were "rooted objections" by African labourers to Labour Agents and the best solution for any organisation aiming at improving the local supply of labour would be to confine its endeavours to seeing that every assistance and protection was given to Africans passing to and fro, between the goldfields and their homes.[223] It was pointless for employers to urge an increase in direct taxation because African workers were very wary of any attempts that were obviously designed to keep them at work for year after year. The result was that he "sulked" in his kraal, and did not come out to work at all. The real result of increasing taxes was inevitably to force up wages.[224]

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221 Pim, The native question, p. 9.

222 Ibid., p. 12.

223 Ibid., p. 15.

224 Ibid., p. 17.

Another topic referred to by Pim was the role of missionaries in educating Africans - here he noted that the State lagged far behind the Church in its efforts. This led him to conclude that:

> the influence of ... Mission agencies in raising the Natives both morally and industrially, in their standing as men, can hardly be overstated.[225]

Also, he drew attention to the fact that in Natal, the African received in contributions to welfare and education less than five per cent of the revenue raised by the colony's African population.[226] This ignored the benefits derived from their labours. With regard to liquor, he reiterated the 1883 Commission which stated:

> Liquor is an unmitigated evil; no other cause or influence so directly increases idleness and crime, and is so completely destructive not only of all progress and improvement, but even of the reasonable hope of any progress or improvement.

Pim was well-informed on events in America and saw many parallels. He noted the "natural aversion, far deeper than reason, between the Native and the white man" and to support this quoted de Tocqueville's Democracy in America:

> Those who hope that the European will ever mix with the negro appear to me to delude themselves.[227]

However, at this stage, Pim did not go on to advocate segregation as a solution to South Africa's race problems.

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[225] Ibid., p. 19.

[226] Ibid., p. 23.

[227] Ibid., pp. 26-8.

The latter parts of the paper contained Pim's views on the Transvaal Labour Question.[228] However, these found no place in the SANAC report. He rejected the view that African labour was cheaper than white. It was not only a question of muscles but also of brains. Further, the proposals of the Chamber of Mines to alleviate the labour shortage were "useless". The application of "legal and moral" pressures, i.e. increased taxation, on British Africans would only lead to increased wages. The increasing of the area for recruitment would "only postpone the evil day" whilst the importation of Asiatics had "special objections". The was simply to organise the supply and reduce the demand. This meant that:

> We must learn to do without him unless and until he offers himself upon terms which suit us.

He considered it to be the "Verdict of History"[229] that the "Black " could not compete against the white in any walk of life and even in tropical regions, his "superiority is confined within very narrow limits".

Conclusion.

It would appear, from the above, that very little in the SANAC report was original and that the bulk of it was derived from a remarkably few sources considering the travelling of the Commissioners and the duration of the evidence sessions. Obviously, the labour shortage of the immediate post-war years greatly influenced Lagden but it must be viewed as somewhat remarkable that the report depended overwhelmingly on such limited sources and that the four volumes of evidence were largely ignored. Several suggestions may help explain this. First, as has been made apparent, Milner was kept well-informed of proceedings and his views were well known by Lagden. Second, Lagden was of limited vision and training. To have expected an original

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228 Ibid., pp. 32-7.

229 Ibid., p. 37.

and innovative report, would be asking too much and one can find justification with Sol Plaatje's criticism of the choice of Lagden as Chairman.[230] A third reason can be found in his diary entry for 30 January 1905:

> Had a tiring day which ended in signing of our Report which thus completed my fearful labours for the past eighteen months. It has been a terrible task and I pray it may have good results. I feel it is my last effort in South Africa for I am dead tired and weary and must now give place to others to carry on my work.
>
> I feel today completely done up and frustrated but must try and hang on until May when Windham returns.

Once back in Johannesburg Lagden's frustrations must have increased because not only did he experience an attack of "facial rheumatism" but had to receive emergency teeth extractions and suffer a bout of malaria.[231] To compound matters, he found that Windham had "given away" land to the Lands Department in the Zoutpansberg which Lagden required for African locations[232] and that Lawley was rather unsympathetic towards his request for home leave[233] and, hopefully, a new post elsewhere. Indeed, there was little to cheer him at that moment.

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230 Koranta ea Becoana, 21 October 1903.

231 Lagden Diary, 1905, 7-9 February.

232 Ibid., 15 February.

233 Ibid., 15 March.

CHAPTER 9

THE FINAL DAYS: MARCH 1905 - MARCH 1907.

After the completion of the SANAC report, Lagden genuinely wished to leave the Transvaal and go on retirement with a generous pension. This was not to be the case. Indeed, he was to continue serving as Commissioner of Native Affairs for a further two years. It is well-known that this proved to be a crucial period in the history of the Transvaal. It is the purpose of this chapter to present the role played by Lagden in both the routine administration as well as the fundamental decisions of 1906. As will become evident, this role was a subordinate one of advisor and informer to Selborne rather than initiator.

SANAC and the Transvaal.

Before returning to England on long-leave, Lagden drafted a memorandum for Lawley on the applicability of the SANAC report to the Transvaal.[1] Considering the effort that was put into the report, and that the report was designed to provide guidelines for future Transvaal policy, the memorandum contained surprisingly little analysis and even less application. Its weakness can be ascribed partially to Lagden's weariness after the demands of the past eighteen months as well as his own restricted and limited vision of the future.

Typically, Lagden cautioned against the "mischief of instituting drastic reforms and hurried changes of policy". Rather, he exhorted the need to move more "steadily and quietly, so as to avoid any unnecessary

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[1] LTG 121/110/8, 'Memorandum by Commissioner for Native Affairs upon the report of the South African Native Affairs Commission in its relation to the Transvaal', Sir Godfrey Lagden, 5 May 1905. Hereafter, Memo SANAC.

disturbance".[2] He did not consider there to be any need or desire to change the communal system of land tenure that prevailed amongst the "masses" of the Transvaal's African population.[3] With regard to squatting on both Crown and private land, he considered the situation to be in need of "regulation" and he proposed that legislation be introduced to amend the squatting laws of the Transvaal "along the lines of the Cape Colony laws" and that an Inspector of Private Locations be appointed, who would give his "undivided attention" to such locations.[4] However, he cautioned that to "eject or summarily remove a large section of the Native population ... [was] likely to cause much distress and to court trouble".[5]

Purchase of land by Africans, had in early 1905 become the centre of a major political storm in the Transvaal as a result of the case of Tsewu versus the Registrar of Deeds.[6] Lagden regarded the decision in favour of Tsewu as a major blunder because he foresaw "many administrative and social difficulties [being] created by the multiplication of the number of Native units scattered throughout the white population".[7] This could only "accentuate feelings of race prejudice and animosity with unhappy results". Hence, it was necessary to restrict African purchases of land to certain areas. There was need for action in the definition and delimitation of African locations.[8] As Lagden was well aware, this task should have been accomplished in the 1880's. Therefore, he advocated the appointment of a commission to

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2 Memo SANAC, p. 1.

3 Ibid., p. 2.

4 Ibid.

5 Ibid.

6 Ibid., p. 4.

7 Ibid.

8 Ibid.

"dedicate and set apart ... with a view to finality", location lands for Africans.

Following SANAC's reasoning, Lagden argued that the "best means of attracting Natives to live and carry on continuous labour" in urban areas, was to improve the condition of urban locations.[9] However, he was forced to acknowledge that the "locations everywhere admit of much improvement, which the municipal authorities should take in hand". This was especially so because one of the Government's aims was to encourage the establishment of a "respectable class" which would have opportunity to "respect themselves [sic] and advance". This would make it necessary for them to become continuous wage earners. Further, he urged that such Africans be permitted to purchase their holdings with fixity of tenure.[10]

Finally, Lagden touched on taxation. He opposed any alteration of taxation levels because of the "demand" for labour as well as the "good wages" on offer.[11] However, he realised that agriculture had suffered from a lack of labour. Therefore, he proposed that all farm labourers, in "bona fide and continuous employment", should be exempt from the full tax of £2 and be liable for a reduced tax of 10 shillings, whilst they remained thus employed. He believed that a similar exemption should be granted to those Africans who were domiciled in an urban area and who were liable for and compelled to pay local taxes.

There does not appear to have been any formal discussion of the SANAC report by the Transvaal Government but when Selborne arrived in Cape Town, in May 1905, to replace Milner, it was evident to Lagden and Stanford that he had read the report.[12]

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9 Ibid.

10 Ibid., p. 6.

11 Memo SANAC, p. 7.

12 Stanford Diary, 1905, 17 May; and, Lagden Diary, 1905, 17 May, "He [Selborne] displayed great interest in native problems which was rather refreshing".

Lagden's task as Commissioner of Native Affairs continued to be challenging and arduous through to the advent of responsible government in March 1907, especially in view of the problems relating to land, to the creation of the Native Locations Commission, to rent and taxation, and to the implementation of the British Liberal Party's policy of safeguarding African rights. Further problems were caused by events in Swaziland and the supposed "native unrest" occasioned by Dinizulu.

Reverend Edward Tsewu.

Africans in the Transvaal were very critical of the attitude of the Government towards African acquisition of land. They believed that the NAD was attempting to restrict African purchases as well as gain unwarranted control over those Africans who purchased land by holding the title deeds. It appears that the Reverend Edward Tsewu, supported and financed by other African property-owners, decided to challenge the Registrar of Deeds when he refused to hand over the title deeds for land purchased by Tsewu.[13] The immediate background to the case is vague, but in the light of Milner's comment to Peregrino in 1903 that he, Milner, knew of no law forbidding coloured people from purchasing land in the Transvaal[14], and the Supreme Court's decisive ruling in Tsewu's favour[15], with which the Attorney-General, openly and immediately concurred[16], Tsewu and his associates appear to have been aware of the strength of their case. Equally important, however, was the opposition of white opinion as typified by Sir George Farrar[17] in

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13 Odendaal, Vukani Bantu!, pp. 53-4.

14 Headlam, Milner Papers, II, pp. 128-9, Milner to Lagden, 18 April 1903, `Peregrino'.

15 Transvaal Law Reports, 1905, pp. 130-8.

16 Debates of the Transvaal Legislative Council, 1905, pp. 66-72.

17 As President of the Chamber of Mines, Farrar spoke for mining interests. His motion read: That the Government should introduce immediately a measure restoring to the Commissioner for Native Affairs the control of the purchase of land by [Africans] in accordance with the law in force prior to Proclamation 34, dated 17 November 1901, such a measure to remain in force until a date when the question of land tenure by Natives can be dealt with by the first Legislative Assembly". Debates of Transvaal Legislative Council, 1905, pp. 302-3.

the Legislative Council which Lagden supported behind the scenes, that the Supreme Court's ruling be overturned.[18]

Before the annexation of the Transvaal in 1877, resolution 159 of 18 June 1855 had precluded anybody, who was not a burgher, from owning land in the Transvaal.[19] It also precluded Africans from burgher rights. Article XIII of the Pretoria Convention, 1881, had laid down that:

> Natives will be allowed to acquire land, but the grants or transfer of such land will in every case be made to, and registered in the name of, the Native Location Commission.

It was widely believed, and from evidence in the SNA archive genuinely assumed by the NAD, that the Republican practice remained in force after the British occupation of the Transvaal. However, apart from the value and utility of the land, land ownership was in the Cape, part of the qualification for the franchise. What appears to have worried the Transvaal NAD was that African acquisition of land was closely related to their potential to acquire the franchise.

The right of Africans to hold title deeds directly was tested in the Supreme Court when Tsewu, who purchased land in the Klipriviersoog township near Johannesburg, sought a court order to compel the Registrar of Deeds to pass transfer directly. The case was heard before Chief Justice James Rose-Innes and Judge JJ Wessels. The Registrar of Deeds argued that his case rested on Volksraad res 106 of 14 August 1884 which stated that no African could hold land in his own name, and Article 13 of the Pretoria Convention which noted that the Commissioner of Native Affairs could hold land in trust for Africans

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[18] See below.

[19] TRH Davenport and KS Hunt, (eds), The right to the land, Doc 65, p. 40.

but that no African could take transfer in his own name.

Rose-Innes argued that the Volksraad res. 106 was based on a petition requesting that no ground should be sold to Africans and be directly or indirectly transferred to them. However, the petition was not dealt with directly by the Volksraad. It was disposed of by the Government during recess under general powers granted to it by the Volksraad. The Government recommended that the resolution be adopted and the Volksraad resolved accordingly. Innes denied that this resolution was the equivalent to a law. The Government's reply was never promulgated nor printed in the Gazette. Indeed, the resolution was "merely an expression of opinion by the Government".

Article 13 of the Pretoria Convention, continued Innes, was an agreement between two communities who had been at war. It did not appear to be a statute but merely a treaty agreement. However, Article 13 was never intended to take away from Africans any rights they enjoyed at the time. Rather, it was intended to safeguard them.

The concluding remarks of Innes emphasised that there was no law which justified the position taken by the Registrar. No doubt, the practice had prevailed for years in the Transvaal of not allowing the transfer of land to be made directly to the African but the existence of that custom could not justify the attitude of the respondent. This would have to be dealt with by the Legislature. Hence, he determined that "when we find nothing in the statute book which would warrant us in drawing any distinction, we are bound to draw none".[20]

The major implication of the Court decision was that Africans could buy and sell land as they pleased anywhere within the Transvaal. Further, they were not required to consult any Government official for permission or approval.

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[20] Transvaal Law Reports, 1905, pp. 130-8.

This contradicted SANAC's desire to restrict African land purchases to certain segregated areas.[21] A further result was that it enabled Africans, especially those desirous and capable of expanding peasant agriculture, to meet the market opportunities prevailing in the Transvaal. Indeed, as Bundy has noted:

> The decade [1900-1910] saw a growing awareness of the dangers to whites inherent in success by African agriculturists, both in terms of labour shortage and of competition.[22]

Hence, it is possible to suggest that the decision struck a blow against white privilege in the Transvaal.

Naturally, it was impossible to overturn a Supreme Court decision, but the Rand Daily Mail[23], voicing white prejudice and indignation, observed that this was:

> not the first time in the annals of British jurisprudence that the strictly legal finding of a Court has been perforce in opposition to all wise principles of statecraft.

It bemoaned the fact that there was not in the Transvaal a Parliament "to prevent any recurrence of wrong that has been done". The Star, for its part, could not "help expressing the regret that the authorities, in purging the old Statute Book, should by an oversight, place the Kaffirs in a legal position which could never have been contemplated". It added that whites in towns were protected through municipal by-laws whilst in the rural areas it saw:

> no signs that the Kaffir [had] so far advanced in the scale of civilization that he [was] either eager or able to become his own

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21 SANAC, I, para 193.

22 C Bundy, The rise and, p. 210.

23 Rand Daily Mail, 20 July 1905.

landlord.[24]

What the The Star failed to note was that the ban on black ownership of land was never in the statute book.

The Court's decision was rejected by most whites. Sir George Farrar introduced into the Legislative Council a resolution to compel Africans to register title deeds in the name of the Commissioner of Native Affairs.[25] The debate was witnessed by Selborne who immediately informed Lyttelton of the proceedings.[26] To a large extent, he quoted Solomon's view that the Commissioner of Native Affairs:

> never had any control in the matter and that the registration in his name, of land acquired by Natives was purely a matter of form ... [and] had no basis in law and made no practical difference.

Further, Solomon argued that the Government needed to resist any proposal to give the Commissioner of Native Affairs any control over the acquisition of land by Africans as this would be an entirely new departure, and would involve an important question of principle which had to be left for the consideration of the future legislature of the Transvaal. Solomon believed that the most Government could do was allow official members of the Council to vote as they pleased, if Farrar's motion was amended, to make it clear that all that was desired was to re-introduce the practice which had existed before the recent decision. But, countered Solomon, such legislation would be "futile" and "farcical".

Obviously influenced by Solomon's view, Selborne stated that he had "very little sympathy" for Farrar's motion as it was "meaningless" because the Commissioner of Native Affairs would have no power to prevent any African entering into any contract, however improvident,

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24 The Star, 5 April 1905.

25 See FN 18.

26 CO 291/84, Selborne to Lyttelton, 31 July 1905.

with regard to the sale or purchase of land. He informed Lyttelton that it would be unwise to oppose popular agitation which though "ridiculous, is strong". The agitation was "violent, mischievous and formidable" and had been "stayed by a concession, which [was] in reality, no concession".

However, having won the Court battle, Tsewu and associates, were not going to allow Farrar to outwit them.[27] Therefore, they engaged Walter Rubusana and Sylvester Williams[28], both lawyers in London, to present their case to Lyttelton. They argued that Farrar's motion "interfered with the legal rights of His Majesty's Native subjects and was, therefore, highly inexpedient".[29] They wished to present the following resolution:

> We, the Native inhabitants of the Transvaal Colony, emphatically protest against the class legislation of the Transvaal Legislative Council with regard to the registration of title deeds on landed property acquired by Natives in the name of the Commissioner of Native Affairs, as it is uncalled for, as well as unnecessary. We, therefore, ask His Majesty's Government's protection from such class legislation by not allowing the Ordinance.

With the change in ministry in December 1905, it fell upon Elgin to make a decision. His decision to disallow the Ordinance[30] was based on four considerations. First, the registration of deeds for land purchased by Africans, in the name of the Commissioner of Native Affairs, had "never had the force of law", and had certainly been

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27 SNA 287/2893/05, 'Rev E Tsewu'. This voluminous file contains a full account and record of the NAD dealings with Tsewu.

28 T Karis and G Carter, (eds), From protest to challenge. A documentary history of African politics in South Africa, 1882-1964, IV, for Rubusana, pp. 134-5; on H Sylvester Williams, see Odendaal, Vukani Bantu!, p. 88.

29 CO 291/94, M470, Rubusana and Williams to Lyttelton, 14 November 1905.

30 The resolution is an enclosure in the above letter.

abrogated by the conquest of the Transvaal. Second, it had not been strictly followed under the Republican Government. Third, the African inhabitants did not desire that the "restriction ... should be maintained". Fourth, that the Attorney-General considered the Ordinance to be "of little or no value". Hence, he was not prepared to endorse the passing of restrictive legislation on this subject by a nominated Legislature.

Within the Transvaal, a major crisis had developed because Tsewu was highly suspicious that the NAD would manipulate events to suit its case. There was a major clash between Tsewu and the acting SNA, Marwick.[31] After several meetings, Marwick concluded that "This native's attitude is one of the bitterest hostility and hatred towards constituted authority".[32] Tsewu countered that Marwick and the Transvaal NAD favoured the Zulu and the Basotho whilst opposing the Xhosa.[33] Such was the ill-feeling that developed between Marwick and Tsewu, that when Lagden returned from England in December 1905, consideration was being given to expelling Tsewu from the Transvaal.[34] However, after consulting Samuelson in Natal and discussing the matter with Solomon, Lagden decided against expulsion and agreed that Solomon should reprimand Tsewu for his insolent attitude.[35]

Once Elgin's decision was known, Lagden decided to tackle Solomon on the issue. He decided to use two arguments: one, that there were numerous instances of Africans being deceived and swindled; and, two, that the NAD, as trustees, had to take protective action which, if the

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31 SNA 287/2893/05, Note by Marwick, 15 November 1905.

32 Ibid.

33 SNA 287/2893/05, Affidavit by James Ngubane, 5 November 1905.

34 Ibid., Lagden to Windham, 18 December 1905.

35 Ibid., Samuelson to Lagden, 18 December 1905; and, Lagden to Windham, 1 December 1905.

ordinance was disallowed, the NAD would no longer be able to do.[36] After an unsuccessful interview, Lagden decided to put his case in writing.

He started by arguing that "it was publicly felt that a sudden removal ... might result in an indiscriminate purchase of land by Natives".[37] This, he alleged, was "viewed with apprehension ... by colonists ... [because previously] the Government was empowered to exercise a useful restraint upon the purchase by Natives of land". It was in the interests of both Africans and whites to adopt the SANAC recommendation that certain areas be set aside for Africans to purchase. In any case, Africans required a "strong hand of protection" in all their dealings with landed property as they fell "easy victim" to speculators and agents and suffered from "deceit and fraud". Hence, it was the duty of the Government to assume official trusteeship. The ordinance was "protective not restrictive" and the disallowance deprived Africans of a trust "which was contemplated to afford them security". Further, it needed to be remembered that the protest addressed to the Colonial Secretary:

> emanated from a few highly educated Natives prompted by the ambition of thoughtless individuals, and [could not] be taken to represent the views of of the largely uneducated mass of Natives.

Solomon replied in full but added nothing to his well-publicised views and remained adamant that the earlier advice he had given was sound.[38] He repeated his opinion that Farrar's ordinance gave Africans no protection as it did not control purchase or sales of land. They were free to purchase land, anywhere without consulting any officer of the NAD, and were not bound to consult any official. Therefore, the ordinance was an "absolute farce" and was "futile legislation".

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36 Ibid., Notes by Lagden, March 1906.

37 Ibid., Lagden to Solomon, 24 March 1906.

38 Ibid., Solomon to Lagden, 3 April 1906.

Therefore, from 1905 through to the promulgation in 1913 of the Natives' Land Act, Africans in the Transvaal were free to purchase or sell land as they wished. That they did so was clearly revealed by the Beaumont Commission in 1916.[39] It would seem that impoverished Boers in the western Transvaal found it profitable to sell their farms to groups of Africans who had the means to purchase land and labour to utilise them to provide produce for Pretoria and the Rand. Lagden's response to the Tsewu case is indicative of, on the one hand, his great desire to control and regulate African access to land, and, on the other hand, his phobia that unrestricted African access to land, would lead to enormous complications and anxieties as white prejudices would embitter all future dealings with Africans. This was to be clearly revealed by the activities of the Native Locations Commission of 1905-7.

Native Locations Commission.

As noted in Chapter I, the intention to define and allocate African locations in the Transvaal, went back to the Pretoria Convention of 1881. However, a variety of circumstances prevented the completion of the task. It must be acknowledged that Lagden was a strong and consistent proponent of African locations, which met the needs of both African society and the labour needs of the Transvaal. He considered that it was as much a responsibility of the government to make land available to Africans to live under customary law and tenure, as it was the obligation of such people to provide labour for the farms, mines and industries of the Transvaal.

A convenient starting point for the land issue in the Transvaal is Newnham's paper, "The Native Locations Commission, 1905-7"[40] As secretary of the Commission, Newnham had had to prepare as full an

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[39] See extracts in Right to the land, Doc 65, pp. 40-1.

[40] Newnham Papers, Mss 55, `Transvaal Native Location', FJ Newnham, 1908.

account as possible on African locations in the Transvaal. This was based on an analysis of the readily available material and deeds. However, as Newnham admitted, much information was not available because many purchase arrangements were never recorded and accurate surveys were seldom made.

In April 1905, Lagden approached Lawley about appointing a locations commission.[41] He referred him to the 1904 memorandum on land as well as the SANAC report. He particularly wanted Lawley to note SANAC paragraph 207 and urged that the "time had arrived" to put to full effect Article 22 of the Pretoria Convention, which had established the Native Locations Commission. Its work, alleged Lagden, had never been "fully" or "effectively dealt with". Sub-section 2 of the same paragraph stressed the need for "finality" in the allocation of locations. He stressed that he was "convinced ... of the paramount importance that this question should be dealt with, with a view to finality upon the lines of a definite policy". This policy should be based on honouring pledges already made to Africans and the fulfilling of undertakings between the Imperial and Republican Governments. Lagden felt that he needed to stress the "strong feelings" that existed on the subject and that many were not aware of obligations to Africans and were opposed to further land allocations to Africans.

Lagden proposed that a commission be appointed to consider the whole question of locations with their records being fully investigated and evidence taken where necessary. Apart from demarcating existing locations, the commission would make recommendations to enable the Government to bring the matter to a "final issue". Apprehensive of white rashness, Lagden felt it necessary to add that he hoped that the Government would not countenance any disturbance of Africans on land which they had occupied for a "good many years" in "anticipation" of the settlement of location matters.

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41 EC 61/1215/05, "Memorandum: Native Locations in the Transvaal", Sir Godfrey Lagden, 12 April 1905.

Lagden was in England when the Commission was appointed. After his return in December 1905, he had very little direct contact with the Commission. However, the fiasco surrounding the Commission and Newnham's account, partially written to expose white prejudice on African locations, necessitates at least some comment, because very few scholars appear to have examined the Commission's work. Further, this will serve to illustrate the confusion and complexity of the issue, as well as the incredible prejudice on the issue. This type of prejudice greatly irked Lagden.

Newnham was concerned to show that African locations in the Transvaal had three distinct origins[42]: namely the "treaty areas" which originated from agreements between various African leaders and the Republican government (these were far more liberal to Africans than later allocations); second, African purchases, which often meant Africans had purchased land they had traditionally used before "losing" it to the white trekkers., (according to Newnham, many of these purchases were "in obedience to that instinct which urged Natives to cling to their ancestral homes ... and proceeded to buy back ... the land of which they had been deprived"); and, land allocated by the Native Locations Commission after 1881.

As Africans forming syndicates paid good prices for land, they usually had to pay twice the sum expected from whites.[43] They steadily acquired land and registered the deeds in the name of a third person, normally a missionary or the Superintendent of Native Affairs, (the Commissioner of Native Affairs after 1902). This arrangement was open to many abuses as it depended on the integrity of the third party. Arrangements were often verbal or Africans had to take on trust what the deeds purported to set forth.[44] A major complication was that Africans often did not possess the purchase money and missionaries regularly provided the outstanding balance.

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42 Newnham Papers, Mss 55, 'Transvaal Native Locations', p. 3.

43 Ibid., p. 20.

44 Ibid., p. 4.

After 1902 when the Crown Colony attempted to put landownership on a sound and uniform basis by recording all purchases registered in the name of the Commissioner of Native Affairs in trust, there arose many disputes as Africans were unable to produce proof that they had really purchased the land. They were often contradicted by missionary claims that their assistance to Africans entitled them to freehold or usufructuary interest over portions of the land.[45] In one case, Africans contributed £500 and the missionaries £500. However, as Africans were granted wood, water and grazing rights over the whole farm, the missionaries claimed the whole farm as private property. However, if the farm was private property, it was subject to the Plakkers Wet and, consequently, one of the reasons for the purchase, to live in a tribal community, under a chief, was defeated. Furthermore, in such cases, the burghers wanted the squatters law enforced, and this led to Africans petitioning the Government to proclaim the farm as a location.

In 1902, the Crown Colony Government found locations in "as unsatisfactory a state as possible".[46] Not only were there numerous claims outstanding, but in the existing locations, disputes over boundaries and titles were rife, whilst the confusion was rendered worse by the fact that various government departments disagreed over the details. The situation was particularly chronic in the Zoutpansberg[47] where over 320 000 Africans lived in a:

> haphazard fashion, some on Crown lands, some on private, some paying rent and some not, uncertain as to their tenure or even their right to be on the ground on which they had built their kraals.

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[45] Ibid.

[46] Ibid., p. 16.

[47] Ibid.

After the publication of the SANAC report, Newnham explained that the Transvaal Government had appointed the Native Locations Commission which,

> in its final composition, commanded neither confidence nor respect, and was seen as a slur on the intellect and good repute of the colony.[48]

None of the three members originally chosen was able to serve. The eventual chairman, WH Struben[49], was to resign in protest against the disallowance of Farrar's ordinance. The work of the Commission was, in Newnham's opinion, a "farce"[50] because, although he had prepared a précis of each location and associated claims (86 in all) with every available detail, only the Chairman studied the reports. The other two members, Hogge, the Native Commissioner from Middelburg, and D Kolbe, a surveyor, went into the field "vacuus animus". The reports accepted by the NAD, in May, 1907 were those prepared by Newnham in 1905 before embarking on the field work.[51] They were hardly altered by the Commission.

The attitude and conduct of Hogge and Kolbe "strained relations" with officials, with the public and with Africans and caused an "absolute boycott", so that no "sound work" was accomplished.[52] This caused Newnham to resign. Soon after responsible government had been attained, the Commission was summarily closed by Louis Botha, without waiting for the investigation of claims in the Rustenburg district.[53] Not only

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48 Ibid., p. 17.

49 For details on Struben, see his autobiography, Recollections of adventures. Pioneering and development in South Africa, 1850-1911.

50 Newnham Papers, Mss 55, `Transvaal Native Locations', p. 18.

51 Ibid.

52 Ibid.

53 Ibid., p. 19.

had the Commission "caused great dissatisfaction amongst the community" but it was "remarkable for its unrivalled display of incompetency".[54] As a result of the Commission's reports, the Transvaal Government authorised 140 000 additional morgen for African locations but most of the land authorised was already "loosely occupied" by Africans.[55]

Africans were allocated 1 017 479 morgen of the Transvaal's 35 million morgen. Of these, 280 000 morgen were reserved by treaty, 227 000 had been purchased by Africans and 509 000 were allocated by the State.[56] Most of the above was unsurveyed. To put the size of the locations into context, it is important to realise that three land companies were estimated to own over five and half million acres, or over two million morgen.[57]

It is possible to gain a clear picture of the amount of land available to Africans by comparing statistics quoted by SANAC to those quoted by the Beaumont Commission. In 1904, there were 646 095 morgen reserved for 123 309 Africans[58], whilst in 1913 1 017 479 morgen were reserved for 283 144.[59] The enormous increase in population reflected the large population already resident on Crown lands that were incorporated into the locations. As these decisions were meant to be "final", it is pertinent to point out that the locations designated by the Native Locations Commission were to form the basis of the 1913 Natives' Land Act for the Transvaal. Immediately prior to union, the acting Under-Secretary for Native Affairs noted that the "necessity for

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54 Ibid.

55 Ibid.

56 Ibid.

57 Ibid., p. 20; Lacey, Working for Boroko, p. 311, argues that most land companies owned or had shares in mines. The `Corner House' mining group controlled the Transvaal Consolidated Land and Exploration Company which possessed 2.4 million acres.

58 SANAC, I, para 118.

59 Report of the Natives Land Commission, I, Appendices V and VI.

further reservations [of location land] becomes apparent".[60]

Struben's letter of acceptance to Lawley raises serious questions as to why a person of views such as his could have been nominated in the first place.[61] He appeared to reject virtually all aspects of the Transvaal's policy towards Africans. He was opposed to granting individual titles (freehold tenure) to Africans and supported any attempts to reverse such a policy because he feared that Africans with land held under individual title, would soon acquire the franchise. African demand for land would result in land speculation which would cause "great distress and injury to bona fide land owners". This would affect both English and Dutch. Changes would, he feared, lead to African unrest and discontent which would threaten the control the Transvaal had gained over its African in the 1890's by General Piet Joubert. Struben was more concerned with amending the Squatters Law and preventing "kaffir farming" and helping supply farmers with labour than with creating viable African location. Hence, his belief in tax reductions for farm labourers.

In December 1905, the Transvaal Leader[62] ran an editorial on the Native Locations Commission and believed it gave "rise to considerable anxiety" as it had been appointed "without taking into consideration, the desires of the people". Such a commission, it argued, should have included "representatives of all classes". It was "untimely [in] appearance" and was "entirely without public confidence". Therefore, it needed to be:

> relegated for discussion to the period of Representative Government as it was extremely undesirable to ... [increase] the amount of free land available to the Native.

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60 Blue Book on Native Affairs, 1910, p. 47.

61 EC 61/999/05, Struben to Lawley, 22 July 1905.

62 Transvaal Leader, 2 December 1905.

The Leader praised the efforts of JA Hamilton, the Transvaal SANAC delegate who:

> sought indefatigably to arouse general interest in this subject, and to prevent any false and irretrievable step being taken to the permanent detriment of the Colony [as there were] grave elements of danger and unhealthy competition [and was] adverse to any scheme of prosperous white settlement.

Ironically, the Leader argued that the Commission was opposed to SANAC's recommendation of selecting certain areas for African occupation and conferring "acquisition of freehold land to those delimited districts". Indeed,

> Prima Facie, the question [was] full of difficulties, and one, therefore, which demand[ed] the utmost careful consideration, and ... should certainly be left finally to a decision of a Representative Assembly.

Replying to queries from Selborne, Lagden tried to reassure him.[63] He stressed the Commission's task was to recommend where locations were necessary. Questions on land tenure and squatting were for the future legislature to determine. In any case, Lagden was aware that there was no desire by most Africans for individual tenure. With regard to the direct holding of titles by Africans, Lagden confessed that it was "impracticable for the present Government to alter the law as it [stood]". Further, argued Lagden:

> It [was] not the policy of Government to reserve large areas to meet the expansion of the Native population. There must be some finality on the issue of land.

Sensing the unpopularity of a report by the Native Locations Commission, Selborne reckoned it to be "highly desirable that this

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[63] EC 61/999/05, Lagden to Selborne, 28 March 1906.

Commission should not send its report until the end of 1906".[64]

A week later, Solomon, as acting Lieutenant Governor, received a long and rambling discourse from an aggrieved and antagonistic Struben.[65] He professed it:

> difficult to understand upon what the policy and laws as applied to Africans [in the Transvaal] was [sic] based other than Executive Council resolutions, judgements of the High Court and Ordinances passed by the Nominee Legislature.[66]

He considered that locations should be located only in the north and north east and that Africans be prevented from occupying independently, farms all over the Transvaal. Such indiscriminate occupancy of locations by Africans should be discouraged because:

> it has been an accepted principle that it is not advisable that Natives under Tribal Chiefs should be permitted to mass in too great numbers or to occupy mountain fastnesses which may easily be converted into strongholds.[67]

The very idea of equality, reckoned Struben, led Africans to adopt a form of "insolent assertiveness" because there were agitators amongst them "poisoning their minds against the Government and the domination of the white man".

Struben opposed changes of policy caused by interference from overseas which allowed Africans to hold land titles. This was the first step to the political franchise. As a result of "irresponsible speeches made by members of the British Parliament ... on questions of Native policy ... [Struben] anticipated that in the near future, there would be

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64 Ibid., Selborne to Solomon, 3 April 1906.

65 Ibid., Struben to Solomon, 10 April 1906.

66 Ibid., p. 8.

67 Ibid., p. 9.

difficulty in meeting all the claims they [members of the British Parliament] will make".[68]

The Commissioner of Native Affairs was soon to lose "control" over Africans on forty farms in the Rustenburg district alone when they received their title deeds. Further, these people could easily "evade" the control of the chiefs. Apart from reserves in Zoutpansberg, Waterberg and Lydenburg, it should be official policy to "induce such overflow from the locations to live upon the farms of such white owners as may require them".[69]

After reading speeches made by members of the British Parliament since the 1906 election with regard to the position and relations of the white and coloured races in South Africa, Struben:

> did not expect any continuity of a practical native policy that would be acceptable to the white inhabitants of South Africa ... [and he] especially dreaded the result of Natives acquiring land in free title.[70]

He was convinced that the work of the Native Locations Commission:

> under the [present] circumstances will be futile and that personally, [he did] not wish to be identified, in ever so small a degree, with a condition of things with which [he had] no sympathy.[71]

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68 Ibid., p. 11.

69 Ibid., p. 18.

70 Ibid., p. 19.

71 Ibid.

Quite unjustifiably, the Leader[72] claimed that the Transvaal Government had "sought to circumscribe the scope of the Commission's enquiries and to exclude therefrom certain matters which Mr Struben regarded as rightly falling within its province". It had "hampered" the Commission's work and made it "farcical" whilst the public had been "quite left in the dark".

It is possible to see in these events an expanding paralysis of government work whereby urgent action could not be taken because of white hostility. This was to make a major impression on Lagden's thinking about the Transvaal's political future and the need for true responsible government.

African taxation and rent.

A persistent theme amongst white Transvaal witnesses before SANAC was that financial obligations of Africans needed to be modified so as to encourage more Africans to become agricultural workers by reducing the accumulated tax. Further, there were demands that Africans who lived on Crown lands should have to pay an annual rental larger than the current £1 per annum. Lagden opposed this for three reasons.[73] One, Crown lands provided, according to Lagden, a good supply of labour recruits. Two, many Crown lands populated by Africans had been earmarked for inclusion in African locations which had not yet been proclaimed as locations. Three, Africans on Crown lands did not enjoy real security because if the land was sold, Africans resident on such land would have to make their own arrangements with the purchaser. Such a stand was not popular with many white landowners.[74] However, Lagden remained adamant that such Africans pay a rental of £1. A criticism that he had to acknowledge though was that, for a variety of reasons, many such

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72 Transvaal Leader, 12 May 1906.

73 LTG 42/48/2, 'Memorandum: Collection of rents ... on Crown lands', Lagden, 9 December 1905.

74 SNA 352/166/07, Bailey, Secretary, Transvaal Landowners Association, to Commissioner of Lands, 9 January 1907.

Africans had not had to pay rents or taxes.[75]

The reduction or exemption of the annual tax payable by bona fide agricultural labourers had been a feature of Republican policy in the Transvaal. Whether abused or not, such a policy certainly favoured the Boers because it enabled them to coerce African labour. Such a policy was rejected in 1902 because of the alleged abuses.[76] However, there remained a consistent complaint from farmers and Africans, albeit for different motives, that taxes should be reduced.

The issue had received attention at the 1904 Boer Congress when both Louis Botha and Schalk Burger had addressed the issue.[77] The latter had complained that equal taxation to all African males "was an inducement to the Kaffirs to prefer squatting on Government land". In Waterberg, the Secretary of the Farmers Association had suggested that "taxes should be reduced by half for all Natives living on private farms who give labour in lieu of rents".[78] To this the Resident Magistrate had added, "Yes! the farmers should pay the other half"! Farmers in Zoutpansberg supported those from Waterberg.[79]

An interesting suggestion came from the Resident Magistrate, Ermelo, who advocated that taxation be amended on a sliding scale for different classes of Africans.[80] He recommended that those resident in municipal areas or on private farms pay 10s. per annum, and Africans who lived on land owned by an absentee farmer pay £2. Those at training institutions who were technically exempt should pay 5s. per annum to "keep in touch" with the collector, whilst those "lazy" and

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75 See Digest of Statistics.

76 See Chapter 6.

77 SNA 221/1213/04, Cuttings from Transvaal Leader, 23-5 May 1904.

78 SNA 229/1949/04, Resolution of Waterberg Farmers Association.

79 SNA/252/unsorted, Wheelwright to Windham, 31 January 1905.

80 SNA 249/159/05, 'Confidential Report, RM Ermelo, on the subject of Native Taxation'.

"independent" Africans who lived on locations, needed to pay £4 per annum, plus £1 per additional wife. These suggestions were designed to lead to an "improvement in labour supply".

Many Africans argued that the £2 tax was too high. W Letseleba[81], of the Basuto Association, argued that because of the high rentals paid by Africans in urban areas, along with transport and living costs, they were unable to meet their tax obligations. Similarly, Africans resident in Standerton pleaded that with their stand rental of £6 12s per annum, passes of 12s. and the tax of £2, the demands made on them were too heavy.[82] The Resident Magistrate agreed but noted the likely opposition of local farmers. Lagden appears to have accepted that something should be done to alleviate their position because it would help increase labour supplies and keep wage levels down.

There was widespread support for such a move within the Administration with the notable exception of the SNA, Windham. Solomon considered that Africans felt the British tax "more severely than they felt all the taxes put together and imposed them under the late SAR [sic]".[83] This was probably because of the "laxity of the late Government". The present yield was three times the amount collected by the Boers. He favoured more exemptions especially for those who worked for whites for a certain period. Wheelwright, Native Commissioner in Zoutpansberg, was sure that the people in the northern districts felt the taxes were high and found it hard to raise the payment as they were 200 miles from the nearest town and suffered from malaria. One unfortunate result had been the "tendency" of polygamous males to "neglect and get rid of [older] women who had lived with them for years".[84]

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81 SNA 229/1876/04, W Letseleba, Secretary, Transvaal Basuto Committee, to Lagden, 9 August 1904.

82 SNA 259/723/05, `Petition from Natives residing in Municipal Location, Standerton', 11 March 1905.

83 SNA 333/not numbered/05, Solomon to Lagden, 12 May 1906.

84 Ibid., Wheelwright to Lagden, 30 May 1906.

Windham fought hard to stall the amendments. He argued that it was:

> unsound policy to differentiate in the matter of direct taxation, which should fall equally upon every section of the community[85]

and maintained that the Government would have to devise further measures to ensure a "more extended settlement of Natives on private farms". He alleged that the African was in an "invidious position" because if he remained on Crown lands, he had to make full payment, but if he moved on to a private farm, he would be eligible for a reduction. He was convinced that the problem was being approached from a "purely political point of view". Indeed, he was positive that:

> if the question be viewed purely from the Native standpoint, it may reasonably be doubted whether the proposal would meet with their support.

However, when overruled, Windham had to implement the policy.[86] No farmer was to be allowed to claim a reduction for more than forty labourers. The farmer would keep the register but the NAD would decide who would receive the rebate. Further, to facilitate the distribution of labour, no more Africans were to settle on Government locations unless they had prior permission from the NAD. In addition, the tenants of Crown lands at that time were to be registered and no others be allowed to settle without the permission from the NAD. Rent also needed to be thoroughly and systematically collected.

Those eligible for the reduced tax of £1 were adult males who resided on a farm in the bona fide employment of the proprietor of that farm and who had worked from 1 January of the year for which demand was being made for the payment of the tax.[87] An adult male was one of 18

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85 LTG 123/110/31, 'Memorandum: Taxation', W Windham, 8 November 1905.

86 Ibid., 'Memorandum: Remission of taxation in [African] farm labourers', W Windham, 14 November 1906.

87 SNA 333/not numbered/06, 'Amendment to taxation of [Africans]', Windham, no date.

years who earned, or appeared to capable of earning, an adult male African's wage. A municipal location resident was an adult male African residing in a location and who, when the demand was made on him for payment of the tax due, was able to produce a certificate signed by a municipal location inspector to the effect that he had paid all rent and other due charges. Hence, they would pay a poll tax of £1 and, if applicable, £1 per additional wife. The amendment was to become effective on 1 January 1907.

Later, it was necessary to define "farm labourer" more specifically. "Bona fide continuous employment", meant so continuous in fact without being bound to work every day, as to prevent their being able to absent themselves from the farm. It did not apply to those who were merely squatting on rent terms nor did it apply to farms unoccupied by the owner.[88]

Mapoch Magato was not impressed by the changes.[89] He claimed that "it appears as if the difficulties of the white people only had been considered by the Government". He was "unable to see that [he was] really living under the British Government with such hard laws". Indeed, he had a point. Given the low level of wages and the lack of capital of most farmers, it is doubtful if there were many Africans who met the conditions to acquire the reductions. No doubt the tax amendment was skillfully manipulated by many farmers to coerce their labourers to provide more labour.

Despite the anticipated financial loss of about £50 000 in revenue[90], the Transvaal Administration felt convinced that they had made the correct decision. Certainly, with the pending grant of responsible government, the NAD would be more amenable to Transvaal farmers.

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[88] SNA 345/3555/06, Circular no 59/06, Windham, 3 November 1906.

[89] SNA 347/3743/06, S Mapoch Magato to Lagden, 6 December 1906.

[90] LTG 123/110/31, `Memorandum: Taxation', W Windham, 6 December 1906.

Elgin and the Liberals.

When the Liberals assumed power in Britain in December 1905, Elgin became the Colonial Secretary with Winston Churchill as his deputy. Their period of office has been fully detailed by Ronald Hyam.[91] Therefore, no detailed attempt is made to cover the same ground. However, it is pertinent to observe that as a result of the change of ministries and consequent Liberal election victory,, African matters in South Africa assumed greater importance than under the Unionists. In the early part of 1906, there was, within the Colonial Office, a thorough investigation into what could be done to help ameliorate or improve the position and status of coloured people in South Africa. As was to become evident by the time the West-Ridgeway Committee (WRC) reported, there was, in practice, very little that could be done.

Lagden's direct contribution appears to have been limited. This is easily explained. Major decisions were made by Elgin and the Liberal cabinet based on information and assessments provided by Selborne and Colonial Office personnel. However, there is evidence to show that Selborne did consult Lagden whilst formulating his views.[92] It is possible to detect that Lagden's advice to Selborne was greatly influenced by colonial sentiment. Indeed, he informed Selborne that the only changes that should be suggested were those that would meet colonial opinion.

> It is not a wise policy to impose any drastic changes upon a Colony to which Colonial sentiment is opposed.[93]

This close identification with colonial opinion had been maintained by Lagden throughout his career in the Transvaal and it appears that

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[91] R Hyam, Elgin and Churchill at the Colonial Office, 1905-1908.

[92] Lagden Papers (Wits), FCC, contains several memoranda for Selborne.

[93] Lagden Papers (Wits), FCC, 'Memorandum on Draft Despatch, March 1906 ... relative to aspects of the native and coloured question', Lagden, para 11.

Selborne, despite his realisation that coloured people in general had not been given sympathetic treatment under British rule, was forced to accept this attitude.[94]

With regard to the coloured people who were originally from the Western Cape, Lagden argued that if the Cape was able to amend its constitution it would "probably endeavour" to put the coloured vote "beyond the pale of party politics". His reasoning was simple:

> That vote is now exploited for all it is worth and it is recognised as a future menace. [Hence] the new Colonies may be pardoned for perceiving the small cloud and resolving not be enveloped.[95]

Therefore, despite the consistent Coloured objections to the Colonial Office, Lagden recommended that Imperial policy towards the Coloured people should be "one of encouragement, removing any flagrant disabilities we can, yet giving no pledge that the hands of the Colonists will be forced". He believed that:

> by a patient and worthy attitude, the Coloured people will eventually earn what laws can never give them, viz. the sympathy and respect of the white race.[96]

Turning to Africans, Lagden argued that the number of the educated elite was in "ridiculous proportion" to the mass and that it would be an "error" to propose "hurried" legislation. Class legislation should remain especially as this was "essential for their evolution and ...

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[94] Lagden Papers (Wits), FCC, Selborne to Elgin, March 1906, draft despatch.

[95] Lagden Papers (Wits), FCC, `Memorandum on Draft Despatch, March 1906', para 15.

[96] Ibid., para 17.

protection"!.[97] Lagden's views were well expressed in a lengthy paragraph which merits being quoted in full:

> Legislation per se is likely to bear but little fruit compared with the formation of an enlightened public opinion which leads to cooperation in promoting popular measures. The best assurance of success in Native affairs is to propose with moderation and to proceed with caution. There is no royal road to success and there are no short cuts. Enthusiastic endeavours or lofty inspiration to effect changes are admirable. But, they may not stand the test of time, not because they are wrong or because they are based upon unsafe principles, but because they have not behind them that body of fixed sentiments and conviction which is the only sure basis of reform.[98]

As will become apparent, this viewpoint was to triumph in 1906. However, it would be a gross exaggeration to credit its adoption to Lagden. Rather, he was voicing what was a widely accepted view. Selborne was close to the mark when he informed Elgin that:

> Colour prejudice is so strong in South Africa that it is very difficult to make the bulk of the British understand this matter.[99]

When the WRC set off for South Africa in April 1906, it was provided with a memorandum on African affairs.[100] Along with the memorandum was a copy of the SANAC report, described by Elgin as a "very exhaustive enquiry" and a "most valuable document" and, the latest

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97 Ibid., para 21.

98 Ibid., para 30.

99 Lagden Papers (Wits), FCC, Selborne to Elgin, March 1906, draft despatch.

100 CO 291/94, M470, 'Memorandum on two points not included in letter of instructions for consideration of the Commissioners'.

annual report of the Transvaal Native Affairs Department (1905).

The memorandum warned the Committee of the "danger of collision" between the white and Coloured races unless these relations were "fair and equitable". Further, if the "collision" came, it was most likely that there would be an appeal from South Africa for Imperial assistance. It was stressed that the Committee would have to confine its attention "to what it may be practicable to do" in connection with the new constitution for the Transvaal and the Orange River Colony. Significantly, the first topic mentioned was the franchise. Three possibilities were mentioned: one, that Africans could be admitted to the ordinary franchise with whites, though subject to educational and property qualifications, (the Cape franchise); two, Africans could elect special representatives under a separate franchise; and, three, there could be reservations in the granting of a constitution which would provide for the setting aside of funds and lands for African benefit or for establishing some system of protection more or less independent of the colonial government.

However, the memorandum continued, the "terms of surrender - article 7 [sic] absolutely precluded the grant of representation to the Natives of the kind existing at the Cape and it is probable that it also shuts out the special kind proposed by the Native Affairs Commission". If this was so, then reservations in the granting of responsible government would have to be considered, as in the case of Natal and Western Australia. Reference was then made to a despatch from Lyttelton, dated 31 March 1905, when it was noted that, because the Imperial Government was:

> unable ... to make provision for the representation of any His Majesty's coloured subjects, the Governor will, as now, be required by his Instructions, to reserve any Bill whereby persons not of European birth or descent may be subjected to any disability or

> restriction to which persons of European birth are not also subjected.

It was acknowledged that there were difficulties in framing such provisions to protect Africans and that there were likely to be objections. On the other hand:

> the necessity of safeguarding the legitimate rights of the Native ... was equally undoubted, and suggestion for a solution which may arise from a consideration of the matter on the spot [would] be of value.

The second point noted was that of considering a second chamber in the legislature. This had, initially, been raised by Selborne and was regarded by the Colonial Office as the "true barrier against the great evils of race prejudice", especially if the second house was created with the specific purpose of protecting the African population. Hence, far from having a free hand, it would appear that the WRC really had to test the validity of Elgin and the Colonial Office's ideas.

Lagden met the WRC on three separate occasions.[101] Soon after the Committee arrived in Pretoria, West-Ridgeway, Selborne and Lagden met for an informal meeting. Later on 10 May, Lagden dined with the entire Committee and then had a "long chat with Sir Francis Hopwood and Lord Sandhurst". Finally, on 30 May, Lagden was examined by the Commission on his views concerning "reservations in the Constitution re native affairs". This was followed by dinner with the Committee.

In a lengthy letter, Lagden noted his views.[102] He was adamantly against reservation because:

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101 Lagden Diary, 1906, entries for May.

102 SNA 740 (Lagden private correspondence), Lagden to Sir J West-Ridgeway, 30 May 1906.

> Feelings in South Africa upon the subject have, of late, been much worked up, and, I believe that the colonists have a positive dread of Imperial interference in Native Administration. It is a thing upon which they are deeply sensitive.

He then attempted to show that there was no real concern to be worried about African and Coloured rights under self-government. Indeed,

> [He was] glad to say that during the past few years, there [had] been a wholesale change in public opinion on the Native question. That opinion [was] moving in the right direction and [was] tolerant in character. The leading men in the colony, as well as throughout South Africa, recognised the importance, and indeed, the necessity of dealing fairly and generously towards Native questions.

Such a statement could hardly have been further from the truth, especially in 1906 with the "Native troubles" causing great anxiety all over South Africa. Perhaps more amazing is that the Committee chose to accept this opinion which should have been dismissed as a blatant untruth. "Everything now", cautioned Lagden, "depended upon cultivating sympathy between the white and black races". In such a delicate matter:

> Any ill-advised action ... [would] disturb that sympathy in which the interests of the Natives would suffer ... The Government and Ministers of the various Colonies were capable of being led. [But] If they were ... driven or hampered by restriction, there [would] be perpetual animus towards the Imperial Government and every untoward event and difficulty [would] be attributed towards this difference. [Hence] no Imperial restriction or interference in administrative methods will avail to promote the interests of the Natives if sympathy towards them is checked.

Therefore, he had no hesitation in stating that he:

> felt sure that reservations in the Instrument conferring Responsible Government, will not serve their purpose and that they will meet with continuous popular opposition until they [were] withdrawn.

He was convinced that:

> responsibility should rest in the Government of the new Colonies in whom confidence should be placed and expressed.

The only safeguard that he supported was that alienation, except by an act of Parliament, of locations and Crown lands, should be prohibited.

Lagden's views were strongly supported by Selborne[103] who informed Elgin that he opposed reserving "any amount" for the benefit of Africans as this was strongly resented by all white Transvalers as showing "unnecessary distrust" in the fairness of the people towards Africans. Indeed, he considered that the interests of Africans would be "best consulted" if questions affecting their "betterment [were] left to be settled under the sense of duty and responsibility" which he was sure would prevail in the Transvaal Parliament. Finally, he favoured a clause prohibiting the alienation of all locations and Crown lands, except by act of Parliament. Both Lagden and Selborne were suggesting what Louis Botha had requested of the WRC, that it show "complete trust" in the people.[104]

Joseph Orpen presented a very different view.[105] In a very long and rambling letter, he argued vociferously for Africans to be enfranchised and for the Imperial Government not to desert Africans and Coloureds with regard to the Transvaal constitution. Further, with the likelihood of federation, there would be a danger to the Cape franchise. "Without the franchise", argued Orpen, "[the Native] voice and that of the Empire may be equally gagged". It was essential for Africans to have the franchise as a "safety valve" to enable them to work "rightly, safely and efficiently" and to protect them from "strain and

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[103] CO 291/99, M473, Selborne to Elgin, 4 June 1906.

[104] CO 291/114, M483, Botha to Sir J West-Ridgeway, 2 June 1906. Lambert of the Colonial Office noted: "It is quite clear that the Dutch will bitterly resent any reservations of control of native affairs".

[105] Orpen Papers, Mss 1250, Orpen to Sir J West-Ridgeway, April 1906.

explosion". Orpen greatly feared the tone of many of the replies to SANAC's questions and saw in them "further evidence of this persistent determination to govern the country according to selfish class interests". Many opposed granting Africans the franchise. He considered General Louis Botha, leader of Het Volk, as "practically determined" never to grant Africans the vote. If "self government" were granted without the Africans being enfranchised, it would be "government of the majority of the masses by a part of the minority on one class, i.e. an oligarchy". A veto was "impracticable" whilst special "reservations" exercised by a Government 7 000 miles away, and subject to the" swing of the pendulum" of British politics, would be of no use. The only method of safeguarding African rights was to grant them the franchise as in the Cape where it was:

> proving efficient ... and where to some small extent, the safety valve of a share in the constitution was fortunately provided.

Orpen greatly feared the prospects of a Het Volk victory which would lead to the eviction of a whole nation of Africans from their homes so that the Boers could take over the land and force the Africans, "for the most part, into perpetual serfdom or rack-rented on white men's farms".

When reporting on African matters, the WRC[106] noted that during the reconstruction period, the administration of African affairs had been "somewhat overlooked" and reforms postponed.[107] This was in spite of the large increase in revenue from taxation. Indeed, very little had been done for the "amelioration of the Native population".[108] As for

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[106] There does not appear to be a copy of the report in the Transvaal Archives. Quotations are from Hyam, Elgin and Churchill; and, DR Edgecombe, `The influence of the Aborigines' Protection Society on British policy towards Black African and Cape Coloured affairs in South Africa 1886-1910', unpublished Ph D thesis, University of Cambridge, 1976.

[107] WRC report, para 141.

[108] Ibid., para 144.

"coloured persons", (i.e. "Cape Coloureds), their claims deserved "much consideration" but the Committee accepted the universally held view of the white population in both the Transvaal and the Orange River Colony that the term "native" in the context of Article 8 of the Vereeniging treaty, covered all people of colour.[109] Therefore, the only question that the Committee had to consider was to whether provision should be made in the new constitution for the protection of Coloured people until they received representation - an eventuality implied by Article 8.[110]

The Committee discerned an improvement in public opinion on the "native question" and urged that care be taken lest this be "impaired". It believed that public opinion was growing more liberal with regard to the "native question".[111] Leading men appeared to see the necessity of dealing fairly and generously with questions of such gravity. It agreed with Sir Godfrey Lagden that the ministers of the Transvaal could be led, but not driven, on this matter. Also, displaying extraordinary naiveté, it had little doubt that the question of representation for Africans would sooner or later be dealt with in a liberal spirit by the new legislatures. Therefore, it recommended that:

> the best and wisest policy ... [was] to trust to them a sense of justice ... It should be remembered that the Native was indispensable in the societies as well as the industrial economy of the two colonies. If he were ill-treated, he might well leave the Colony, and certainly he would not migrate into it.[112]

Hence, the Committee recommended that as far as possible, the matter should be left to the new legislature. In any case the Imperial

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109 Ibid. For a different view see JS Marais, The Cape Coloured People 1652-1937, pp. 274-80, he argues that Coloured people were not normally included in the term "Native".

110 WRC report, para 144.

111 Ibid., para 145.

112 Ibid., para 146.

Government could always veto any legislation that was unjust or objectionable.[113] Other possible safeguards were the appointment of one or more representatives of the African cause to a second chamber, the placing of the Prime Minister in charge of Native Affairs, with a permanent secretary at the head of the department and the creation of a small advisory board containing representatives of the African community.[114] Other matters for consideration included the reservation of all legislation concerning Africans, the prohibition, except by act of Parliament, of the alienation of Crown lands and African locations and the reservation of sums of money for the benefit of the African population.

When the Liberal Government issued the Letters Patent for the Transvaal Constitution[115], virtually all clauses pertaining to Africans could be traced to the views of Lagden or Selborne. However, contrary to Lagden's views, the Governor was required to reserve bills imposing disabilities on persons not of European birth or descent which were not applicable to whites, as well as bills providing for the introduction of labourers under contract, indenture or licence, into the colony from outside South Africa. Further, the Governor would continue to exercise over all chiefs and Africans in the colony, the power and authority vested in him as Paramount - the Supreme Chief by article 13 of Law 4 of 1885. In addition, the Governor-in-Council could, at any time, summon an assembly of African chiefs and other persons having special knowledge and experience of African affairs, to discuss matters concerning Africans. Alienation of land set aside for African occupation was prohibited except through act of Parliament. Provision was also made for a second chamber, the first house was to be nominated, but subsequent houses elected.

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113 Ibid.

114 Ibid., para 147.

115 CO 291/111, M481, 'Constitution Draft Instruments, August 1906'.

The only substantial concession to African interests was the decision not to transfer any African territory administered by the High Commissioner, to the control of responsibly governed colonies until representation was granted to people of colour.[116] Therefore, Swaziland was not absorbed by the new Transvaal government but administered as a separate territory under the control of the High Commissioner. The initiative for this lay with Elgin.[117] As early as May 1906, he had told Selborne:

> there is no doubt that we shall be expected to be able to show that we have not neglected this side of the question. To keep Swaziland outside the Transvaal, at any rate for a time, and until these land [concession] difficulties have been overcome, would be a very effective demonstration of sympathy.

Swaziland.

As the Commissioner of Native Affairs in the Transvaal, Lagden had been nominally responsible for Swaziland since 1902, but a clash with Milner over policy led him to neglect the territory except as its administrative head.[118] Lagden had considered that the most practical and sensible policy for Swaziland, in 1902, was to appoint a capable and experienced administrator such as Saunders of Zululand to handle affairs until the concession issue had been settled and a more permanent policy formulated.[119] Milner resented this interference and caused Lagden to drop any personal interest in Swaziland. Indeed, Lagden regarded Milner's policy there to be a "positive disgrace" and believed him to be "oblivious to the necessity of dealing with it

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[116] CO 291/111, M481, Elgin to Selborne, telegram, 31 July 1906.

[117] Quoted by Edgecombe, `Aborigines Protection Society', p. 379: Mss Selborne 48, Elgin to Selborne, 18 May 1906.

[118] For this period: FJ Mashasha, `The Swazi and Land Partition', 1902-1910', Collected Seminar Papers, Institute of Commonwealth Studies, London, 1972/3, The societies of Southern Africa in the 19th and 20th centuries, pp. 87-107.

[119] Lagden Papers, Mss Afr S, 210/2/7, Milner to Lagden, 18 March 1903.

effectively".[120]

After Selborne had replaced Milner, a Swazi delegation travelled to Pretoria to meet him and present a petition from Labotsibeni, the Queen Regent.[121] She claimed that certain beacons had been shifted in to Swaziland (i.e. the size of Swaziland had been reduced) and she wanted them moved back. Further, the Swazi were not receiving any money from the private revenue concession as they had before the war. She opposed the granting of further concessions and requested that Swaziland should not be annexed by the Transvaal but should be directly under the High Commissioner. She also requested that an adviser to the Swazi nation be appointed and that the chiefs be allowed to exercise their traditional powers.

With responsible government for the Transvaal pending, Selborne decided, in September 1906, to visit Swaziland. He informed the Swazi that he ruled them as the High Commissioner and not as Governor of the Transvaal,[122] Later he agreed to the demands of the concessionaires who insisted on keeping a two-thirds instead of a one-third division of their concessions.

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120 SNA 739, p. 104, Lagden to Moony, 6 January 1904.

121 Matsebula, Swaziland, pp. 152-3.

122 On this point I am grateful to Professor John Benyon for the following comment: With regard to "whether Selborne, in September 1906 had ambassador or administrator power in Swaziland, the answer is the latter". In 1903 power lay with the Governor of the Transvaal, see Newton, Documents on the unification of South Africa, II, pp. 232 et seq: Order in Council providing for the Government of Swaziland, 25 June 1903. Clause III provides for the Governor of the Transvaal to "exercise all powers and jurisdiction ... subject to such instructions as he may from time to time receive from His Majesty or through a Secretary of State". Personal Communication, 8 March 1989.

These powers were transferred from the Governor of the Transvaal to the High Commissioner in March 1907 when the Transvaal received self-government, Hyam, Elgin and Churchill at the Colonial Office, p. 163.

It was at this juncture that Lagden was requested to prepare a memorandum on Swaziland. He acknowledged that Swaziland offered greater problems and complications than any "native" territory. He acknowledged that the concessions were "iniquitous" whilst their validation was a "lamentable sequel".[123] The great and crucial question was the position of the Swazi nation on the land. He believed it "doubtful" if Mbandine ever understood the meaning of the farming and agricultural rights that he had conceded. He opined that Mbandine regarded them as "grazing rights" and a useful means of obtaining cattle and sheep as tribute.[124] By 1906, the views of the concessionaires and the Swazi were diametrically opposed. The former demanded freehold tenure and the right to appropriate the best ground for themselves, to stop indiscriminate cultivation and to displace any Swazi not required for labour whilst the Swazi did not wish to be disturbed.[125]

"Were any definite pledges made?" inquired Lagden. If so, they would have to be honoured. But, he warned, "it is a time to go gently" because the political atmosphere was "heavily charged with unrest". The Swazi were in a rebellious mood and any hasty move "might give head to [an] outbreak" and Swaziland could become a "storm centre" of resistance to colonial rule.[126]

Even though the concessions were "immoral", they had received the fullest confirmation, and could not be set aside lightly. The "ideal situation" would be to leave the Swazi alone and "not forcibly disturb them" but if they had to be displaced, they should be given a "reasonable time" to move.[127]

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[123] Lagden Papers, Mss Afr S, 209, `Memorandum: Swaziland', Lagden, 8 September 1906.

[124] Ibid., p. 1.

[125] Ibid., p. 2.

[126] Ibid., p. 3.

[127] Ibid.

Milner's policy had been to give the concessionaires absolute freehold rights over a portion of the concession within which all African rights would cease. Another portion should be set aside for Africans displaced from concessions. Finally, any Africans who lost their occupation rights and desired it, should be removed into other reserves specially marked off. The result of such a policy was that it would entail "serious disturbance of long established rights and cause serious ill-feeling if not unrest". Further, Lagden believed that:

> vexation would be caused and opposition offered to enforced abandonment by the [Swazi] of cultivated lands.[128]

Lagden proposed to Selborne that Imperial policy should be based on the following lines: it was "paramount" that a settlement be found which "while not giving them political ascendancy, maintained their [concessionaires] status as white men".[129] If the Swazi rejected "all reasonable proposals" to compromise, the authority of Government needed to be "firmly exerted".[130] There should be definite areas into which the Swazi could move at pleasure or be sent by order. Further, the Swazi could only settle where white people were not admitted. They should realise that the "parental attitude" of His Majesty's Government, "in taking the country under active protection, involves certain obligations - implicit obedience to laws and lawful orders". If they complained that they were being treated differently from other tribes, they should be informed that it was due to their own acts which had "compromised" both themselves, and the Government, with all the concessions".[131]

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[128] Ibid., p. 9.

[129] Ibid.

[130] Ibid., p. 5.

[131] Ibid., p. 6.

There was a great need to divert Swazi thoughts from the "filibustering" and "excitement" to which they had been accustomed.[132] Education needed to be "gently encouraged" and clinics established as they "tend[ed] to wean the milder tribes from barbarous customs and reconcile them to civilized rule. Habits and customs, which were not repugnant to civilized thought, should not be interfered with, but "repugnant customs", such as "killing off" or "eating up", should be "sternly suppressed". Finally, he advised against deposing any traditional authority unless there was a widely accepted substitute.

Again it is difficult to assess the precise influence that Lagden may have had on the formulation of policy, but it can be suggested that his views, if not providing the lead, at least reinforced proposed lines of policy.

In February 1907, F Enraght-Moony became the first Resident Commissioner of Swaziland.[133] When the Concession Commission reported in late 1907, it recommended that one-third, not one half as Milner had originally suggested, be reserved from every land concession, and be reserved as Crown land, and be set aside for the Swazi nation, but not as land to be held on traditional communal terms. Another third would be set aside as Crown land and the remaining one third would be granted freehold to the European owners for which they could obtain title deeds and full control over selling, buying or leasing.

Any Swazi living on these farms could not be evicted for a period of five years. But, after this, no Swazi would be allowed to remain on farm land unless he entered into a contract with the farm owner, at whose mercy his future would be.

The Partition Proclamation of 1907 was "bitterly opposed" by Swazis for 60 years but their opposition was "ineffective". The one third set aside for Swazi use was not the same type of land tenure the Swazis

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[132] Ibid., p.7.

[133] Matsebula, Swaziland, pp. 153-6.

held traditionally - it was as rent-paying squatters on Crown land. The concessionaires had not paid a penny for the land apportioned to them, except for the rent in respect of its usufruct. Swazis who enjoyed the inherent title and the legal right under the concessions, received no compensation for the two-thirds given to the concessionaires. However, as Ronald Hyam has emphasised, Elgin and the Liberals rejected the handing over of Swaziland (as well as Basutoland and Bechuanaland) in 1909 because they were not convinced that a future Union of South Africa Government would treat its African subjects properly.[134] Hence, the High Commission territories were kept as hostages to ensure good behaviour by South Africa.

The "Native Scare" of 1906.

Soon after returning to England, Sir Francis Hopwood, one of the WRC wrote to the Liberal writer, James Bryce:

> Sooner or later you will upbraid me for funking the native question and I shall have two excuses. First, evil times - the affair in Natal has provoked unrest and distrust of the Natives; secondly, we [could] get no support from any section, governing or otherwise.[135]

The second point has already been noted. On 9 February 1906, Selborne hurriedly sent for Lagden to inform him of the killing of Natal police officers by Africans near Pietermaritzburg. Such news was "unsettling" but Lagden considered that the "chances of any general row seems remote. All is quiet in the Transvaal". Nevertheless, he deemed it prudent to caution Selborne "to sit tight and beware of swashbucklers who manufacture trouble".[136] In early March, there were "uneasy

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134 R Hyam, 'African interests and the South Africa Act, 1908-1910', Historical Journal, 13, 1, 1970, p. 104.

135 Quoted by Edgecombe, 'Aborigines Protection Society', p. 361: Bryce Papers, UB 51, Hopwood to Bryce, 18 June 1906.

136 Lagden Diary, 1906, 9 and 14 February.

reports" from the Swazi border, and later, Offy Shepstone reported to Lagden "news of serious impending trouble with Zulus" in the Transvaal.[137] By April, Lagden considered the situation in Natal to be "alarming" and approved of the decision by Colonel Curtis, the officer-commanding the South African Constabulary, to deploy troops along the Swaziland border and in the Wakkerstroom district which bordered on Natal.[138] Becoming increasingly perturbed, Lagden contacted Sloley in Maseru concerning reports of Basotho unrest, only to be informed that there was "not the least indication of any unrest or warlike feeling in Basutoland".[139] Sloley did not think it likely that there would be a general uprising, though there was "a good deal [of talking] about what [the Basotho] consider excessive taxation".

An article in Land en Volk[140], in April 1906, emphasised the "defiant", "independent" and "insolent" behaviour of Africans in the Transvaal, and regretted that the Transvaal Government appeared to take the matter "lightly", and that no measures were being taken to "escape a great catastrophe". It hoped for a change in attitude because "if the kaffirs rose up [the] consequence would be that thousands of women and children could be murdered in a most cruel manner". It was essential to show Africans that "whites are masters".

During May Lagden became greatly concerned, and on the 16th noted that "I feel pretty sure we are going to have trouble in this colony".[141] This attitude persisted and he observed the "deplorable condition" of the Transvaal and how marked was African "unrest".[142] The advent of a full moon in early June was reckoned by Lagden to "be the sign for

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137 Ibid., 24 March.

138 Ibid., 18 April.

139 SNA 740, Sloley to Lagden, 8 April 1906.

140 SNA 324/1527/06, Cutting from Land en Volk, 10 April 1906.

141 Lagden Diary, 1906, 16 May.

142 Ibid., 21 May.

further rebellion".[143] However, this did not materialise. Nevertheless, news of Dinizulu's purported "arming" reached the Transvaal and caused "much excitement".

Expressing concern about possible unrest along the Bechuanaland border, Lagden informed Krogh, now the Native Commissioner in Nylstroom, that he feared that Mpephu in Zoutpansberg and Sitambi in Wakkerstroom would rebel.[144] He had no doubt that Dinizulu was behind the "Natal business". Though Dinizulu had not yet shown his hand, Lagden considered him to be clever enough not to do so "openly". He stressed that the Government had:

> no right to refuse the loan of a weapon to a farmer if he could not afford to buy one, especially if he lived in an isolated position.

The apprehension of messengers[145], supposedly from Dinizulu, with messages of an "inflammatory character" and a "seditious attitude" only served to underline to Lagden the gravity of the situation.

A hysterical article in the Leader[146] headlined: "An Assegai Factory. Startling Discovery. Natives Preparing for War", caught Lagden's attention. Evidently, "the insolent attitude of the Kafir [sic] towards the white man ... [was] becoming more pronounced daily" and Zulu workers were being ordered back to Natal by chiefs to participate in the war. The greatest unrest, according to the Leader, was on the mines, where "thousands" of weapons were being manufactured. At the Simmer and Jack Mine, police had seized 40 weapons including battle axes, spears, assegais and knives, all "sharpened to the keenness of a razor". This had led to the arrest of four Africans who were supposedly preparing weapons for the war in Natal. All four were charged with the unlawful possession of dangerous weapons. The first was fined £10 or

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143 Ibid., 5 June.

144 SNA 740, Lagden to Krogh, 7 June 1906.

145 Ibid.

146 SNA 330/2260/06, Cutting from Transvaal Leader, 9 July 1906.

one month's hard labour for the possession of two battle axes; two were fined £5 or 14 days hard labour for possession of a "knife with a long blade", whilst a fourth was fined £10 or one month for possession of four "formidable knives".

Lagden informed Blaine, the acting Attorney-General, that he considered the "fines inflicted ... [to be] extraordinarily heavy" and to have been "inflicted under the influence of ... panic".[147] This was an opinion that was shared by Blaine.[148] Discreet inquiries revealed the four to be from Mozambique and, therefore, most unlikely to be linked with Dinizulu.[149] The District Controller saw nothing unusual in the manufacture of the "improvised assegais" as "such articles will always be found ... where Natives are housed".[150]

In early July, there were widespread rumours of an uprising in Johannesburg. Lagden felt obliged to inform Curtis that the NAD had no knowledge whatever of any uprising.[151] He dismissed the possibility because "with such a cosmopolitan crowd as they are at Johannesburg, it seems unlikely that they could combine at a given signal to attack the white people". The likely explanation was, he proffered, "that Zulu boys [boast] a good deal in talking to the servant girls". Diary entries suggest that he had appraised the situation correctly:

> There is a fearful scene in Johannesburg worked up by hysterical persons as to an Native rising there. The Natives are being frightened by those silly people and the press ... The Natives are more frightened than the whites.[152]

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147 Ibid., Lagden to Blaine, 27 July 1906.

148 Ibid., Blaine to Lagden, 7 August 1906.

149 Ibid., Report of Inspector C McKay, South African Constabulary.

150 Ibid., District Controller to Pass Officer, 13 July 1906.

151 SNA 740, Lagden to Curtis, SAC, 10 July 1906.

152 Lagden Diary, 1906, 13 and 14 July.

However, he remained fearful of possible events in the south eastern Transvaal. Intelligence reports indicated that Sekhukhune was receiving many messages from chiefs in both Natal and Transvaal and that meetings were being held to discuss matters affecting "the Native attitude against whites",[153] Lagden told Damant that it would be very difficult to prove a charge of sedition because "we can never get positive evidence".[154] He advised Damant not to force Sekhukhune "into a corner and make him desperate and perhaps commit [himself] in some stupid way". Rather, he suggested, to go on an inspection tour and send messengers requesting a meeting, but not to send for him from Lydenburg "where he might think you want to imprison him". Further, there were some chiefs who were not on good terms with Sekhukhune, they would be able to see that the Government was watching events closely.

Later when on retirement, in 1909, Lagden was requested by the APS to second a motion opposing the exile sentence imposed in Dinizulu by the Natal Government. His reasons for declining are worth noting:

> Were I to speak the truth, it would be to say that information received at the time of the disturbances in South Africa leading up to this Zulu affair, I was cognisant of the fact that Dinizulu was at the bottom of a deep conspiracy which had relations [sic] to a great deal more than a rebellion in Natal.[155]

In appraising Lagden's conduct during the "scare", it cannot be questioned that he maintained a calmness and balance commensurate with his experience. However, the quotation above clearly indicates his fear and perhaps phobia of a master-minded anti-white plot. This was typical of white society.

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153 SNA 740, Lagden to Damant, RM, Lydenburg, 16 July 1906.

154 Ibid.

155 Anti-Slavery Society Papers, G415, Lagden to Secretary, APS, 1 May 1909. Reference kindly supplied by Dr C Swaisland.

Lipitso and Recruits.

Not surprisingly, Lagden first headed for the eastern Transvaal. At a pitso held at Schoonoord near Lydenburg, he addressed a crowd of over 5 000 on a wide variety of topics.[156] He informed them that the laws under Imperial rule had "not changed in any serious matter" because Africans were like children and did not like changes! However, he had to warn them that the British Government was one that always enforced the law. Two changes, both to benefit Africans, had been introduced. The Pass Law now allowed Africans ten and not three days to find work. Those who complained that they were being "pinched" by the accumulated tax could work on a farm and have their tax reduced to £1! There was, Lagden reassured them, no reason to fear the impending change in government. The present laws would continue and there would be no change of officers. Lord Selborne would remain as Supreme Chief. More could be done for education but they had to realise that "to give you an education beyond your real wants [was] ... to give you what is harmful to you". The troubles in Zululand were the result of "the madness of stupid people and the blindness of ignorance".

In September, Lagden departed on another trip to the northern Transvaal where he addressed, on similar lines, a series of lipitso - all of which appear to have been remarkably well attended. Despite a serious back injury caused by jumping of a mining carriage, he considered that the trip had gone off well. "It [had] done a lot of good" and he felt sure that the Africans were "sound".[157] Such was his confidence that he informed Curtis that the Africans of the north were "quiet, law abiding and quite loyally disposed". Rather ridiculously, he alleged that "[Offy] Shepstone was ... at the bottom of much intrigue and mischief"![158] Lagden was not a person to forgive and forget.

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156 Lagden Diary, 1906, entries of August; GOV 727 PS 37, 'Notes of meeting held at Schoonoord, Lydenburg District, 24 August 1906'.

157 Lagden Diary, 1906, 5 October.

158 SNA 740, Lagden to Curtis, 6 October 1906.

Lagden was more at ease with tribal Africans than he ever was when dealing with the educated élite. His racial supremacist beliefs, his lack of tact and patience, along with his inner aggression and hostility to those who came into contact with him, all combined to cause his relations with such people to be unfortunate and disastrous. He was reluctant to admit that the élite minority had any right or reason to speak for the masses. Hence, and he was not exceptional in this, he regarded educated Africans as self-seeking mischief makers bent on causing trouble with whites and causing endless petty disputes. As the Commissioner of Native Affairs was the link between all Africans and the government, this attitude was particularly unfortunate. Indeed, when consulted by Graham, of the Colonial Office, in October 1905 on a petition from the Native United Political Association[159], Lagden dismissed the petition as being "inspired by half-educated and rather aggressive Natives who have really little in common with the mass who neither know or care a hoot about the subject of the petition".

The petitioners had "noticed with apprehension", the tendency towards "class legislation" to the "detriment of the status and position" of Africans in the Transvaal.[160] Amongst the legislation objected to was the Morality Act, as it did not protect African women; the infliction of the lash in all cases of assault by Africans on whites; the imposition of the death penalty in all cases of outrage or attempted outrage by Africans on white women, while comparatively brief terms of imprisonment were provided for similar offences by white men on African women; the prohibition on Africans walking on footpaths; the exclusion of respectable Africans from First and Second Class compartments on the Central South African Railways; the prohibition of Africans from purchasing landed property and the prohibition on Africans holding public meetings.

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[159] CO 291/93, M469, Lagden to Graham, 4 October 1905.

[160] CO 291/94, M470, `The Petition of Members of the Native United Political Association of the Transvaal Colony, and of the Natives of that Colony'.

Considerable attention was focussed earlier on the efforts by the Chamber of Mines to establish WNLA as a monopsonist supplier of workers to the gold mines.[161] 1906 saw a sharp downturn in the supply of African labourers. From a peak in early 1905 when there were over 107 756 workers, by July 1906 there were only 90 420 employed. This rapid decline coincided with the fall of the Unionists and the formation of Liberal ministry in Britain committed to the ending of Chinese labour.

The crisis was effectively exploited by JB Robinson whose group had, very reluctantly, if at all, enforced WNLA regulations regarding recruitment, living and working conditions for labourers. Probably supported by Het Volk (in return for election funding of the candidates), Robinson was able to win over Elgin to remove British objections to private labour recruiting in British South Africa, south of the Limpopo. Whilst Jeeves has emphasised Selborne's efforts on behalf of WNLA[162], it was from Lagden that Selborne obtained much of his information.[163] The decision to permit private recruiting had resulted in a great "commotion" which could have "regrettable consequences".

The main strength and advantage of the WNLA monopsony, in Lagden's view, was that it was amenable to "Government suggestions" and this provided an "effective check upon the general death rate" of recruits. For instance, new arrivals received medical checks, sick and injured workers were (supposedly) hospitalised immediately. The physically unfit were rejected and repatriated at WNLA's expense. Those recruits who arrived in a poor physical condition were detained and fed until strong enough to work, whilst recruits from tropical areas were allowed

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161 See Chapter 6. A Jeeves, `The control of migratory labour', 2, 1, 1975, p. 21.

162 Ibid., pp. 23-28. For an analysis which focuses on Mozambique Africans, see P Harries, `Kinship, ideology and the nature of pre-colonial labour migration', in Marks and Rathbone, Industrialisation and social change in South Africa, pp. 142-66.

163 CO 291/106, M477, Lagden to Selborne, 28 November 1906.

a period of acclimatization before commencing work. This had all been achieved, alleged Lagden, through the relationship which had developed between WNLA and the NAD. Such arrangements were not enforced by legislation.

On the other hand, independent recruiting would probably lead to a lack of care and inspection, and lead to a rise in mortality rates especially as it was likely that "low physical types" might be brought in, whereas before they had been rejected as unfit. Legislation could be enacted to enforce these measures but this would lead to great government expense. Further, Lagden wanted to know specifically, if JB Robinson would be compelled to maintain medical officers and build suitable accommodation houses. WNLA had always responded to such requests but they had intimated that if Robinson was not compelled to comply to such measures. WNLA would not do so either, unless compelled.

Duncan[164], acting as Lieutenant Governor, wrote to Selborne on similar lines in support of WNLA. He stressed the need to make His Majesty's Government aware of the points raised by Lagden. Hence, when writing to Elgin, Selborne was careful to enclose both the above with his own despatch. Nevertheless, as Jeeves has shown[165], Selborne failed and Robinson's agents were permitted to recruit.

The fall in worker recruits in early 1906 had other repercussions which affected Lagden. Greater emphasis was again shown in the attempts to control desertion. There was a major extension to the finger print department as this was regarded as a "principal weapon to check desertion".[166] Also, as a result of meetings between Pritchard, the Chief Pass Officer, Windham the SNA, and Perry of WNLA, a series of

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[164] Ibid., Duncan to Selborne, 29 November 1906.

[165] Jeeves, 'Control of migratory labour', p. 27, but note that Robinson's agents were not permitted to operate in Mozambique.

[166] SNA 740, 'Extension of Finger Print Impression Department', Lagden to Selborne, 26 July 1906.

decisions were taken to reduce desertion.[167] Recruits from Mozambique would always have to produce their Portuguese passes whilst all African from foreign districts would, if apprehended, be closely questioned. All recruits would be "finger-printed" whilst additional African police, some of them mounted, would systematically patrol the Rand with members of the South African Constabulary.

Cricket, Pensions and Politics.

Lagden's family remained in England from 1905. Nevertheless, despite the strained relations with his wife who remained in poor health, his private life appears to have been free from drama and trauma. This is somewhat surprising because just prior to sailing for England, Lawley informed Lagden that he wanted the NAD to be based in Pretoria.[168] This infuriated Lagden and, when Lawley insisted on the move being made during Lagden's absence, led him to make personal representations at the Colonial Office when he stressed the need for the Commissioner of Native Affairs to be in daily contact with the leaders of mining.[169] Needless to say, with Selborne's approval, Lawley transferred the NAD to Pretoria.[170]

During the English summer, Ronald Lagden, by now a pupil at Marlborough College, began to display considerable cricketing prowess. After several good performances in the Second XI, he was able to win a place in the First XI and appeared likely to represent Marlborough in their traditional match against Rugby at Lords.[171] When Lagden received

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[167] SNA 284/2451/05, 'Desertions' i.) Perry to Windham, 16 August 1905.
ii.) Memorandum: SM Pritchard, 18 August 1905.

[168] Lagden Diary, 1906, 13 May; and, CO 291/93, M469, Lawley to Lagden, 20 April 1905.

[169] CO 291/93, M469, Lagden to Ommaney, 25 June 1905.

[170] Ibid., Selborne to Lagden, 1 June 1905.

[171] Lagden Diary, 1906, 28 June.

word of this, he immediately wrote to Milner and Sir Lewis Mitchell, of the Rhodes Scholarship Trust, suggesting that Ronald be considered as a potential Rhodes Scholar. Later, he realised that as Ronald was at school in England, he would not be eligible. Nevertheless, the overseas mail of 2 August 1906 brought news that must have moved Lagden to joyous tears.[172] In the traditional match against the Old Malburians, Ronald had not only saved the College from defeat but carried them to an unexpected and unprecedented victory through a "magnificent 109 not out"! A letter from a Mr Richardson, Ronald's housemaster, confirmed Lagden's pleasure. He noted in his diary that it was:

> a magnificent effort ... which will, no doubt, help form his character. Such an event [had] not happened at Marlborough before, and the scene was one of wild excitement.

To Lagden senior, "it was a treasure to hear this [news] and [he felt] years younger".

Immediately, he wrote to Ronald to congratulate him. He enclosed a £5 note (to pay for the family to go to Lords for the Rugby match) and a prayer:

> Holy father [sic] in thy kindness
> Listen to my prayers
> Keep my conscience and my body
> Pure and fair

However, Lagden himself had also attracted some cricket fame in January 1906 when the MCC had visited Pretoria. Lagden hosted `Plum' and Mrs Warner.[173] His generous hospitality, "yarns" from Basutoland and exciting fruit picking before breakfast led Warner, the England captain, to invite Lagden to turn out for the MCC in their fixture against the Army of South Africa. Apparently, despite his age of 55 and

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[172] Ibid., 2 August.

[173] I am indebted to Professor G Wood for this information.

limited practice of late, Lagden managed to field competently and then score 21 "in bad light" in the MCC victory of an innings and 200 runs![174]

However, in the Transvaal of 1906, politics surpassed cricket in importance. The pending constitutional changes brought considerable pressure on the civil service as many began to ponder over their future. Both Windham and Taberer felt threatened and reacted adversely, causing their good relations with Lagden to suffer.[175] Windham became very bitter because Lagden had failed to secure him a position in the Executive Council when he had been overseas, whilst Taberer saw no future for himself within the NAD.

Of great personal concern to Lagden was his proposed pension on retirement. Evidently, according to the Letters Patent, Lagden was due a mere £450 per annum.[176] A figure that disgusted and angered him. So upset was Lagden that he determined to appeal to Edward VII if necessary![177] Both Duncan and Selborne supported Lagden in his appeals.[178] It soon became evident that the reason for the low figure was that when Milner had offered Lagden his post in the Transvaal he had regarded it as a continuation of, not a break, in his service in Basutoland.[179] However, Milner had not received any permission or authorisation on this. In short, the Colonial Office considered that Lagden was eligible for pension based on six years service, not twenty-three, if Basutoland was included. Lagden calculated that he was

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174 Lagden Diary, 1906, 12 and 13 January.

175 Ibid., entries for October.

176 CO 291/106, M477, Lagden to Duncan, 14 December 1906.

177 Lagden Diary, 1906, 19 December. Between 13 and 28 December there are numerous entries concerning the pension issue.

178 CO 291/106, M477, Duncan to Selborne, 15 December 1906; and, Lagden Diary, 1907, 6 January.

179 Lagden Diary, 1907, 11 January. The matter was being handled by Malcolm, the High Commissioner's Secretary.

due £1 155 per annum.[180] It was only in mid 1907 and after much anxiety and concern that Lagden's pension was settled[181] in his favour.

Lagden was never personally involved in Transvaal party politics. However, from early on he realised that many white Transvalers would not be satisfied with anything less than responsible government.[182] In March 1905, he deplored the fact that representative government, as favoured by Milner and Lyttelton, had been proposed. Both Lagden and Solomon felt that the Executive Council, which they believed favoured responsible government, should have been consulted on the matter. Solomon felt depressed over the whole business but did see some hope that Selborne, whom he knew as:

> a nice man, thoroughly in earnest and anxious to get close to the bottom of things [who] ought to do well.[183]

He was also sure that the Boers would not participate in politics under such a constitution.

Solomon was to spend part of 1906 in England helping to draft the responsible government constitution proposed by the Liberals. When he returned, he determined to leave public office and enter politics as a Nationalist Association candidate and stand against FitzPatrick in Pretoria. His close association with Milner, and as a leading member of the Executive Council, weighed heavily against him. On the other hand, as Het Volk were supporting the Nationalists, he was "branded as a Boer" by FitzPatrick's supporters.[184]

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180 CO 291/106, M477, Lagden to Duncan, 14 December 1906.

181 Lagden Diary, 1907, 30 August.

182 Lagden Papers, Mss Afr S, 174, Lagden to Spender, 9 September 1901.

183 Lagden Papers (Wits), Fcb 2, Solomon to Lagden, 24 March 1905.

184 For a resumé of Solomon's campaign, AA Mawby, 'The political behaviour of the British population of the Transvaal, 1902-1907', unpublished Ph D thesis, University of the Witwatersrand, 1970, pp. 368-70.

The election results, and Solomon's defeat came as a great surprise and blow to Lagden who had been hoping that if Solomon were successful and became a member of the Transvaal Cabinet, he would be able to safeguard Lagden's pension.[185] Hence, Lagden's encouragement to Solomon to accept Botha's offer of a cabinet post![186] It does appear, however, that Lagden's support for Solomon was not entirely selfish. Whilst en route to England, Lagden had serious "political differences"[187] with Waldron, a senior Imperial official, whilst discussing Solomon over dinner.

Lagden arrived in Southampton in the early hours of 23 March 1907 and was woken by Ronald at 4.30 am - an event which possibly saved his life. The early rise enabled Lagden to catch the 7.30 train to London. The train Lagden was scheduled to travel on, was derailed and resulted in several deaths, including that of Adam Jameson, the Commissioner of Lands. The day was enhanced by Ronald's victory in the annual Marlborough steeplechase.[188]

As yet unsure of his pension, unlikely to receive many good offers of future employment, Lagden must have had mixed feelings in late March 1907. His years of hard work in Basutoland and Transvaal over, the future must have appeared decidedly uncertain. However, there can be no doubting that he was very pleased to be rid of the Transvaal and back in England.

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185 Lagden Diary, 1907, 21 February.

186 Ibid., 25 February.

187 Ibid., 4 March.

188 Ibid., 23 March.

CONCLUSION

Lagden's Later Years: 1907-1934.

Soon after Lagden's return to England, he applied to the Standard Bank to become a director.[1] However, as there were no vacancies and probably because he had no banking or business experience, his application was unsuccessful. However, he was more fortunate with the Royal Colonial Institute where he was appointed as Secretary and a member of the Council.[2] Apart from his considerable colonial experience Lagden had delighted its members at the annual meeting in June 1907, when in an after dinner speech, he informed the gathering that:

> what South Africa wants is sympathy and encouragement from Great Britain, and after that to be left alone as much as possible.[3]

He continued to serve the Institute until June 1923. A particular high point was his role in the 1911 Festival of the Empire celebrations when he acted as chairman of the Hospitality Committee.[4]

Lagden became a writer and reviewer of works on southern Africa. Throughout, he maintained his well known views. For instance, he defended the work of missionaries as their work was "built on sure foundations" and he considered that they did not "require defence".[5]

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1 Lagden Diary, 1907, 10 April.

2 Lagden Papers, Mss Afr S, 209/1/1, Wilson, Royal Colonial Institute, to Lagden, 8 June 1923.

3 Lagden Papers, Mss Afr S, 214/6/1, South Africa, June 1907, p. 613.

4 Lagden Papers, Mss Afr S, 209/1/1, `Appointments'.

5 Ibid., Lagden to Butterworth, John Long Publishers, undated draft (1911?).

More significant was his chapter on `Administration' for the South African Native Races Committee in their volume The South African Natives: their progress and present conditions. This was a descriptive work but of considerable interest was his taking to task of SO Samuelson, the Secretary of Native Affairs in Natal and former member of SANAC, who opposed the appointment of native commissioners to gradually replace chiefs and transform the tribal system. Lagden argued that the native commissioners were "essential" and that it served "no useful purpose to condemn them as a whole because they do not appear [to be] well-placed in other parts".[6]

It took Lagden over two years to complete his two volume history on the Basotho. Entitled The Basutos: the mountaineers and their country[7], it received favourable and extensive press coverage. The appearance of the work coincided with the campaign by Africans, including the Basotho, against the forthcoming Union of South Africa. The Daily Chronicle (12 October 1909) considered that Lagden had written "history, not politics" and that considering his "splendid" record of service, it was "impossible" to overestimate the value. The Outlook (16 October 1909) found the narrative "deeply interesting" and it was plain to understand why the Basotho "so ardently desired to remain undisturbed" - "their fears were largely inspired by what had happened in the Transvaal"! For its part, The Times Literary Supplement (21 October 1909) believed that there was "no excuse" for a repetition of the errors which had "almost brought about the destruction of a fine people". It conceded that the sociologist might regard the works to be a "somewhat imperfect survey", but to the historian, their merits were "considerable". Lagden presented a "well arranged and consecutive narrative" which, though it "does not betray a very practised pen", was

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6 South African Native Races Committee (eds), The South African: their progress and present conditions, `Administration', Sir Godfrey Lagden, pp. 98-120. The quotation is from p. 120.

7 Lagden Papers, Mss Afr S, 214/6/3, contains a series of cuttings, chiefly reviews of The Basutos.

easy to follow and understand. The judgements were considered "well-weighed" and "temperately expressed". Further, the quotations from original documents were "excellently selected". The Westminster Gazette interpreted the volumes as pleading the cause of the Basotho and pointed out that their future required "delicate handling". It suggested that a careful reading of The Basutos should "assist very materially in procuring for the Basutos the consideration to which they [were] certainly entitled". The Scotsman (11 October 1909) concluded that:

> Change [was] probably inevitable, but it [was] important that change should come by degrees and mean real improvement and not the destruction of an interesting and successful experiment in native rule and progress.

None of the reviews detected the great reliance on Blue Books and Annual Reports. Neither was there comment on the absence of personal knowledge and insight. Indeed, modern scholars would regard the reviews as being shallow and superficial.

Despite the efforts of E Jacottet[8] of the Paris Evangelical Mission, and Alfred J Fox[9] of the South African Native Races Committee, Lagden refused to become involved in the agitation against the South Africa Act. Indeed, he supported the official line and accepted Imperial pledges as being adequate.

In 1908 Ronald Lagden was awarded a special Rhodes Scholarship which enabled him to successfully study for an honours degree in Science at Oriel College.[10] As a sportsman, Ronald excelled and won four blues

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8 Lagden Papers, Mss Afr S, 211/3/1, Jacottet to Lagden, 13 February 1909.

9 Ibid., Fox to Lagden, 26 July 1909.

10 Lagden Papers, Mss Afr S, 214/6/4, 'Ronald Owen Lagden'. Sir Lewis Mitchell appears to have recommended Ronald for a scholarship, Lagden Diary, 1907, 10 April.

as well as gaining selection for the England rugby side. In 1912, in the annual Oxford/Cambridge fixture at Lords, proceedings were dominated by centuries from Ronald and his younger brother, Reginald, representing Cambridge. There can be no doubt that Godfrey received bountiful pleasure in this and Ronald's subsequent appointment to a teaching post at Harrow, and promotion to the rank of Captain in the King's Royal Rifle Corps. In February 1915, Ronald and his Company travelled to northern France where he led his men on an assault against the German trenches near St Eloi:

> the task was an impossible one and D Company did all that was humanly possible

Ronald's death was a cruel and tragic blow to Godfrey. However, Reginald survived the war and migrated to Calcutta in 1919.

In 1924 Lagden became a Member of the Most Excellent Order of the British Empire.[11] Three years later, he was elevated to become a Knight Commander of the Order of the British Empire. He died in June 1934 at the age of 83 years.[12] The Times (London) highlighted his rule over the Basotho and his chairmanship of SANAC.[13] It argued that:

> by his power of consulting native opinion he made the Basutoland which we know today

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[11] Lagden Papers, Mss Afr S, 209/1/1, `Honours'.

[12] Lagden Papers, Mss Afr S, 214/6/5, `Obituary notices'.

[13] There are many obituary notices in the Lagden Papers, but it appears that all the British press relied extensively on The Times obituary (24 June 1934) for details.

whilst it considered the SANAC report to be:

> still the wisest and most authoritative document on native policy.

Virtually all other obituaries closely followed that of The Times. The Star drew attention to his "remarkable facilities for inducing in the native mind an appreciation of progressive measures" such as the savings bank and the remittance agency he had introduced in September 1902. The Rand Daily Mail recalled Lagden as a "prudent ruler and politician" who utilised the power and influence of the chiefs as "the means" of governing and guiding "the nation". The success showed how an African people could be "moulded and governed with its own consent".

Lagden and Basutoland.

When Lagden entered Basutoland in 1884, its future was very precarious. Internally, it was divided between the loyalists and the nationalists, whilst externally, it was opposed by the Cape, its former inept ruler, and by its permanent aggressor and despoiler, the Orange Free State. Its new ruler, the Imperial Government, was a most reluctant master. Few contemporaries would have forecast the colony's future with confidence. Seventeen years later, when Lagden departed, the situation was remarkably transformed despite the major military confrontation between the British Empire and the Boer Republics. Imperial rule had not only survived but had firmly entrenched itself. Indeed, the loyalty of the Basotho during the South African War suggests that the cooperation between the Imperial officers and the Koena chiefs was all-pervasive.

This transformation was recalled in the first part of this thesis. It is arguable that no official was more closely associated with British policy in Basutoland than Lagden. True he was not the originator of the policy, nor did he have the unenviable task of initiating the policy. However, as an administrator, his role was more significant than that of Clarke because of the duration of his career and his handling of the

series of crises in 1890's which threatened the Basotho's future and existence.

The aims of the Imperial Administration in Basutoland were modest: maintain peace internally; effectively patrol the Free State border; and, balance the budget. To implement this policy, with such limited resources as a handful of officers and a financial contribution of £20 000 from the Cape, necessitated a very pragmatic and realistic policy of reliance on the Koena Paramount and chiefs. This reliance depended on the willingness of the chiefs to meet and assent to Imperial requests. This meant that there had to be tangible benefits and incentives for the Paramount and his leading supporters. Hence, the Administration in Basutoland, to a far greater degree than elsewhere, had to retain the favour and goodwill of the chiefs. It was a very uneven and one-sided relationship. Both Clarke and Lagden fully appreciated that without the cooperation of the Koena notables, they were powerless and impotent. Further, colonial opinion in South Africa and within the Imperial Government frequently saw in Basutoland a situation which needed to be destroyed or abandoned. That neither extreme occurred was largely due to the good sense of the Imperial officials and Koena chiefs in Basutoland.

Although the Koena notables were fully aware of their authority and power, they were generally willing to reach an accommodation with the British Administration because of its political and economic value. The chiefs used their alliance with the Administration to consolidate and increase their dominance over commoners as well as non-Koena communities. Thus, traditional dues and customs were abused by them to extract more tribute whilst non-Koena found themselves having the younger sons of Koena chiefs "placed" over them. This gave the Koena a stronger grip on the manpower resources of such groups. In all this, the British Administration was generally amenable and cooperative. Indeed, the Administration regarded it as its function to provide solid support to the Paramount and to act as referee in the numerous petty disputes which occurred periodically.

Between 1880 and 1910, Basutoland passed through a "period of stress". The general strengthening of settler society in South Africa and the growth of the capitalist economy were to exert increasing pressure and demands on all African societies throughout the region. However, agricultural opportunities enabled the Basotho to resist demands for cheap labour more successfully than others. Initially, they produced large crop surpluses and provided essential transport as well as enlisting as discretionary labourers when suitable opportunities availed. As the years passed, the restricted access to land, rapid population growth, ecological deterioration and natural disasters gradually revealed the fragile and vulnerable "independence" of the Basotho.

Lagden was a moderating force within the colonial administration. First, he was adamant that Basutoland be kept free of prospectors for as long as the Basotho wished. This attitude, whilst suiting Lagden's own position as Resident Commissioner, almost certainly meant that the Colonial Office would have found it extremely difficult to justify prospecting. It would be an exaggeration to state that Lagden "saved" the Basotho on this issue, but his attitude made it most unlikely that prospecting would be allowed at a later date.[14]

Similarly, Lagden's response to the rinderpest crisis reduced the latent potential for an explosive crisis to develop. Indeed, his "benevolent paternalism" not only prevented a serious national resistance but succeeded in salvaging a greater percentage of herds than elsewhere. His efforts and example, along with the relative success of inoculating the herds, must have earned him considerable prestige and loyalty amongst the Paramount's followers.[15]

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[14] Chapter 4, `Prospecting', pp. 166-80.

[15] Chapter 4, `Rinderpest', pp. 180-200.

Another achievement of Lagden's was the patience, tolerance and understanding he showed Lerotholi during Masopha's defiance in 1897-1898 and his rejection of outside force.[16] When contrasted with Milner's bellicosity, and his success in persuading Lerotholi to fulfil his obligations, Lagden must be credited with much praise for succeeding under very trying circumstances.

Finally, despite his inner fears and misgivings, Lagden's behaviour and activities during the course of the South African War, reveal his great exertions and efforts to maintain British supremacy and control of Basutoland.[17] His energy and involvement in upholding Basutoland's integrity and yet assisting the Imperial war effort were major triumphs.

There were less laudable aspects to his career. It is evident from his attitude towards the Council of Chiefs that Lagden was opposed to reform. This partially explains why Basutoland (later Lesotho) has experienced much political trauma this century. The entrenchment of chiefs and the exclusion of commoner elites has resulted in a very bitter and hostile division in Basotho politics.

Further, Lagden never appears to have contemplated the economic future of Basutoland except in terms of migrant labour despite the obvious and apparent deterioration of agricultural conditions. Indeed, Lagden regarded Basutoland as a "native reserve" protected from white society where workers' families could spend their childhood and retirement years away from the mining and industrial regions.

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[16] Chapter 5, `Masopha's Final Resistance', pp. 201-16.

[17] Chapter 5, `The South African War', pp. 232-58.

Virtually all modern scholars who have studied Lesotho, including Colin Murray[18], Judy Kimble[19] and Roger Leys[20], have been very critical of colonial rule in Basutoland. Even more so, they are pessimistic about Lesotho's future. Therefore, it is illuminating to note the views of two of Lagden's contemporaries.

John Hobson[21], writing in 1903, noted that there were two types of imperialism. On the one hand, there was "sane Imperialism" which was devoted to the protection, education and self-government of the "lower races". Then there as the "insane Imperialism" which handed over the "lower races" to the economic exploitation of white colonists. To Hobson, true "sane Imperialism" was best illustrated in Basutoland which he believed had been rescued in 1884 from the "aggressive designs" of the Cape, "stimulated by industrial exploiters". He forecast that the "widest and ultimately" most important of the struggles in South Africa would be between the policy of Basutoland and and that of Johannesburg.

Writing in 1912 after the retirement of Herbert Sloley as Resident Commissioner, Sol Plaatje[22] described Basutoland as a "model state". He believed that Basotho to be "prosperous" because of the "light taxation" and "most economical" administration. He perceived there to be much "harmony" between the Imperial authorities, missionaries and the African population. This resulted in much "happiness and

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18 Murray, Families divided.

19 Kimble, `Migrant labour and colonial rule'.

20 R Leys, `Lesotho: non-development and under-development. Towards an analysis of the political economy of the labour reserve', in T Shaw and K Heard (eds), The politics of Africa: dependence and development, pp. 95-130.

21 Hobson, Imperialism, pp. 258-60.

22 The Christian Express, 1912, `A tribute to Sir Herbert Sloley', Sol Plaatje.

contentment". Indeed, here was the "only South African state without racialism and the demon of colour prejudice".

Writing with the advantage of hindsight, Hodgson and Ballinger presented, in 1931, a more critical appraisal of British rule in Basutoland.[23] They stress that the foundations laid by Clarke and Lagden were maintained with minimal modification up to the 1930's.[24] They acknowledge the tacit agreement of 1884 implied that there be as little change as possible in administration and that such a decision met with philanthropic approval because the policy aimed:

> to secure to [the Basotho] the possibilities of a gradual natural adaptation to new influences and a future political independence.[25]

The vital question in 1931 concerned the working of the 1884 system and whether it had justified itself. Further, were the Basotho a more contented, more prosperous, more sturdy race than they were fifty years ago and, were they, in a real sense, a nation? The article then attempted to answer these questions.

Hodgson and Ballinger agreed that "the normal routine of Basuto life survive[d] fairly completely", and "it would seem as if it had had a measure of success rarely accorded to political schemes".[26] However, a more penetrating analysis suggested that Basutoland was not quite so fortunate. For instance, the "comparatively simple" problem of finding

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23 M Hodgson and W Ballinger, Indirect rule in Southern Africa, Basutoland. This is based upon five short essays by same authors in the Pim Papers, Fa 17, `Basutoland'.

24 Ibid., p. 10. This view is shared by Kimble, `Migrant labour and colonial rule', p. 205.

25 Hodgson and Ballinger, Indirect rule, p. 9.

26 Ibid., p. 13.

food for family and herds had become "comparatively complex". They had to secure food for herds; food and clothing for family; and money to meet tax obligations.[27] Conditions were changing for the worse because the new needs for the new standard pf living were hard to meet.

The increased population, coupled with the ravages of erosion, prevented any extension of land holdings. The only obvious solution would be to improve the utilization of old resources. Unfortunately, there were retarding factors. The absence of transport facilities was the worst. Apart from the extension of the railway to Maseru, no attempt had been made to develop routes to the outside world.[28] Also, there was a lack of initiative with regard to improved production. They also blamed this on the customary methods of land usage.

Another series of problems evolved around from Basutoland's relations with the Union and particularly with the emergence of large-scale and widespread exodus of migrant workers. Hodgson and Ballinger believed that "this general exodus, occasioned by economic pressure, merely mean[t] that the men of the Basuto nation [were] being sacrificed" to the economic needs of the Union.[29]

Returning to the original purpose of British protection over Basutoland in 1884, they maintained:[30]

> the purpose was ostensibly to give the Basuto security in the interests of the peace of some of its neighbours, but presumably the ultimate purpose of this security was to enable [them] to evolve in their own time ... That is, the purpose was dynamic, not

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27 Ibid., p. 14.

28 Ibid., p. 15.

29 Ibid., p. 21.

30 Ibid., p. 24.

> static, it perforce involved the realisation that a nation is not a museum specimen but a living organism, it had presumably an eye to the future as well as to the past ... Saved from the Free State Boer, it has apparently been handed over, gagged and bound, to a more dangerous foe ... the foe of economic pressure.

After 1884, Basutoland was left, peacefully and quietly, "to develop along its own lines" and it appeared to have been no one's business to discover what the desired and desirable direction of these lines might be. Hence, the Colonial Office apparently felt that it had played its part and determined policy, in so far as it was called upon to do so, when it decided to support and maintain the authority of the Koena chiefs. The result was to throw the actual burden of policy-making on the chiefs who did not fully comprehend the new forces affecting their lives, nor did they realise that the old tribal chiefdomship was a doomed institution.

Hence, by 1931:

> While the chiefs [were] desperately clinging to old forms and justifying themselves on the grounds of defending tribal claims to the land, they were entirely ignorant of the economic and political forces which [were] crushing out the nation's life and depriving it of a future to work for.[31]

Writing almost fifty years on, Bob Edgar[32] has reiterated many of these criticisms. He decried the 1884 decision to define the Imperial role in "minimal terms":

> nothing more was to be attempted at first than the protection of

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[31] Ibid., p. 27.

[32] R Edgar, Prophets with honour. A documentary history of Lekhotla la Bafo, p. 3.

> life and property and the maintenance of law and order on the Border

and that:

> the Administration [was] concerned in upholding the existing hierarchy.

Chiefs remained a force for conservatism and stability and would be agents of social and economic control. A major consequence of this relationship was that the checks which the Basotho commoners traditionally had on their chiefs and the redistribution mechanism which had existed in the pre-colonial period, gradually dissolved. As Sir Alan Pim[33] (brother of Howard) observed in the 1930's, "control from below [was] much less effective", and in the absence of any restraining British pressure, many chiefs took advantage of the situation to parcel out land inequitably and extract fees to exploit commoners.

The creation in 1903 of the Basutoland National Council was designed to do little more than bolster chiefly interests. As JC Sturrock, a Resident Commissioner, candidly admitted:[34]

> In plain point of fact it is a body swayed by a large majority who have at bottom only one main object in view, namely, the upholding of what they call their own rights and position.

Although Lerotholi had hoped that the Council would become a law-making body, the British carefully entrenched its advisory role and, in essence, the Council was a "talkshop" which brought chiefs together.

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[33] Cmd 4097, Financial and economic position of Basutoland, (Sir Alan Pim).

[34] Quoted by Edgar, Prophets with honour, p. 5.

An underlying aspect of British rule was to facilitate Basutoland's transformation into a labour reserve for the white dominated South African economy. What the Basotho may have gained as a result of British protection, argues Edgar, was more than offset by their being "sacrificed" on the altar of South Africa's labour needs. Thus, the British paid little attention to developing Basutoland until late in the colonial period - an approach that subsidized the South African economy.[35]

Obviously Lagden cannot be blamed for all of the above. However, it must be realised that his policies and attitudes greatly assisted the chiefs, hindered the evolution of a more progressive policy and favoured the labour needs of the Union.

Lagden and the Transvaal.

It is widely accepted nowadays that the basis of an industrial South Africa was laid during the reconstruction years. Central to industrialisation was the creation of a large African labour force. However, there were many problems to be surmounted before an adequate supply was forthcoming. Lagden's task as Commissioner of Native Affairs was made exceptionally difficult by a complex variety of factors. First, especially in land, squatting and taxation matters, there was much confusion over previous policies in that there had never been a systematic application of laws. Secondly, the war had resulted in much disruption and dislocation in the lives of Africans. The assumed destruction or loss of many Transvaal government records meant that there was limited opportunity for a rapid return to the prewar situation.[36] Thirdly, British rule of the Transvaal depended on a

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[35] Ibid., p. 5.

[36] Chapter 6, `Establishing the Native Affairs Department', pp. 300-8.

rapid resumption of gold mining and continued expansion. Whilst this may have appeared to be a logical means of restoring the strength and prosperity of the state to the Milner Administration, it presupposed a great deal regarding labour, materials and capital. Fourthly, and of greatest significance because it was not appreciated by many, was the strength and resilience of the African population who were able to resist demands for labour.

Contrary to the expectations of the mine owners, Africans avoided work on the mines unless no alternative opportunities were available. The post-war labour shortage and economic depression experienced throughout South Africa resulted in demands for a "native policy" to be formulated and implemented to meet the labour needs of white employers. It was the influence of such people which led Hobson to regard British rule of the Transvaal as "insane Imperialism"[37] because of the neglect of African wishes and interests.

The British intention was to create locations in rural areas which would enable African workers to maintain a subsistence living for their families whilst the males were absent as migrants earning wages adequate to sustain a single man. The severe labour shortage in the post-war years caused a major re-think on "native policy". Prior to this, much of Lagden's work between 1901 and 1903 concerned the formulation and implementation of a policy to remove bottlenecks and facilitate the flow of migrant labour.[38]

Lagden's legislation was designed to increase both the control and regulation of the worker. Simplistically, he believed that the prewar labour shortage on the mines was caused by the refusal of the Kruger Administration to enforce existing legislation. Hence, emphasis was placed on enforcing pass laws, combatting desertion and regulating the

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[37] Hobson, Imperialism, p. 260.

[38] Chapter 4, 'Formulating a Native Policy', pp. 279-83.

living and working conditions of workers. A secondary concern was to ensure, at a basic level, that Africans received a "fair deal" in that they received the wages promised and were treated with some concern free from arbitrary punishment.

A major difference emerged between Lagden and "public opinion" when labour supplies remained inadequate. He refused to contemplate a more stringent approach to force labour onto the market. Indeed, with his incessant fear of a substantial African reaction to physical force, Lagden was adamant that the African view be considered. Hence, his concern for the establishment of hygienic compounds and his determination to provide Africans with land promised as far back as 1881. It is important to stress that Lagden, like Theophilus Shepstone[39], opposed many of the measures advocated by his contemporaries. Both were reluctant to impose changes not desired by Africans.

When judged within the context of the 1900's, Lagden deserves consideration and sympathy. It must be realised that he operated within a society which saw a dismal future for the Transvaal, and indeed, the whole of South Africa, if the goldmines did not soon meet prewar production levels and then experience sustained growth. This implied that Lagden was expected to produce an instant solution, to what was basically a long term problem, and create a large and expanding semi-proletarianised working class. This helps to explain Lagden's enthusiasm for the 1901 modus vivendi and his eventual support for Chinese labour.[40] As the Transvaal and South Africa generally, could not supply an adequate number of recruits, alternative sources had to be found.

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[39] J Guy, 'The destruction and reconstruction of Zulu society', in S Marks and R Rathbone (eds), Industrialisation and social change in South Africa, pp. 167-94.

[40] Chapter 4, 'The Modus Vivendi of 1901' and 'The Chinese Labour Campaign', pp. 293-8 and pp. 332-41.

The appointment of Lagden as chairman of SANAC may be regarded as opportune in that he was conversant with labour problems and the conditions required to stimulate supplies. However, considering his personal deficiencies and inadequacies, his appointment may be viewed as unfortunate. As suggested in Chapter 8, the SANAC report should be seen as a disaster when one recalls the effort and cost involved in accumulating evidence and the limited use to which it was put.

With few exceptions, SANAC had very limited immediate impact on the Transvaal or South Africa. It is true, as Legassick and Cell[41] have argued, that SANAC certainly formulated segregation as a coherent policy suitable for a united South Africa, but it was remarkably vague as to how such a policy could be implemented. Although there is merit in the suggestion that SANAC contained the blueprint for a future "native policy" based on political and territorial segregation, it is essential to note that when SANAC's proposals should have predominated during the conventions[42] which decided on the creation of a united South Africa its proposals were rejected by the delegates of the South African colonies with the approval of the Imperial Government. Obviously, a united South Africa under white domination was far more essential to Britain than African political representation. The National Convention was permitted to maintain the status quo and deny Africans resident outside of the Cape of direct political representation.

Further, the whole gist of the Final Report was to make Africans seek paid employment. Therefore, urged SANAC, once the African was at a labour centre, everything possible needed to be done to keep him at work. The most obvious concessions being the presence of his wife and family and the opportunity to own a house and garden, segregated from

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41 Chapter 8, 'The Historians' Verdict'pp. 414-9.

42 On the National Convention, see Odendaal, Vukani Bantu!, pp. 125-50.

the houses of whites.[43] Such recommendations were to be ignored by successive South African governments.

Nevertheless, as Shula Marks has stressed[44], the SANAC report provided the blueprint for the segregationist South African state after 1910. Amongst the crucial recommendations which became part of the Union's "native policy" were:

the limiting of the amount on the land available to Africans;

the establishing of territorial `separation' of land ownership;

the transformation of African squatters into wage earners; and,

some form of representation of African grievances outside the central decision making bodies of the state.

These, along with the increased controls on African labour and the effective spread of state apparatus over larger numbers of Africans than in the past, all helped to establish a network of control over the African population of the Union.

There is much in Lagden's career to suggest that his prominence was largely due to his having "greatness thrust upon [him]".[45] Undoubtedly, the unique situation in Basutoland and his links with

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43 Chapter 8, `Urban centres', pp. 414-419.

44 S Marks, `Southern and Central Africa', p. 487 in R Oliver and JD Fage (eds), Cambridge history of Africa, VI.

45 The quotation is from Shakespeare's, Twelfth Night, Act 2 / Scene 5 / Lines 111-2.

Milner greatly assisted Lagden's promotion to become Commissioner of Native Affairs in the Transvaal and the Chairman of SANAC. Despite his obvious qualities in that he was hard working, diligent and honest, Lagden's fame was largely due to considerable good fortune.

In a broader context, Lagden's career lends considerable credence to the argument of Atmore and Marks[46] that much of Britain's imperial involvement in South Africa was vitally concerned with economic interests in general, and labour in particular. Imperial intervention invariably favoured capitalist and settler interests and resulted in the undermining of African societies. This thesis suggests that this process was probably less violent and more gradual than it might have been because of the career of Godfrey Lagden.

Writing in early 1902, when there was still considerable uncertainty about an end to the military conflict, and the civil administration in the Transvaal was struggling to find its feet, Lagden informed Spender:

> One thing is certain viz. that England has a great commercial interest in maintaining its hold over South Africa. Markets we must have and from South Africa there will be for a long time a great and increasing demand for British commodities.[47]

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[46] Atmore and Marks, 'The imperial factor'.

[47] Lagden Papers, Mss Afr S, Lagden to Spender, 5-10 January 1902.

APPENDIX 1

THE GEOGRAPHY OF BASUTOLAND (LESOTHO).

The boundaries decided on at Aliwal North in 1869 deprived the Basotho of much of their favoured land.[1] Christopher Saunders's map of the distribution of the Basotho clearly indicates that they tended to inhabit the land along the Caledon, particularly to the west.[2] It also shows that the Malutis were very sparsely inhabited. The determining factor was the superior environment of the Caledon valley in contrast to the cold, rugged and generally inhospitable Malutis. Between 1843 and and 1869, the Basotho lost all this land to trekkers from the Orange Free State.[3]

Within Basutoland's colonial boundaries, topography exerts severe restrictions and limitations on the activities and livelihood of the Basotho. Within the country there are four ecological zones. The Lowlands, land below 1 830 metres, are a narrow strip of land lying west of the mountains. This is an area of flat-toppped hills scarred with erosion gullies which date from the 1880's. They make up twenty per cent of the country and were the only part of Basutoland permanently settled before 1869.

The Foothills are identifiable by a sandstone escarpment at approximately 1 830 metres which crosses the country along an axis from north-east to south-west. This divides the Lowlands from the Foothills and is an irregular series of plateaux intersected by river valleys and lower mountain spurs. The third zone is the Malutis which rise to a

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1 Basutoland High Commissioners Proclamations and notices to June 30, 1909, Treaty of Aliwal North, article 1.

2 M Wilson and LM Thompson (eds), A history of South Africa to 1870, p. 138.

3 For a reliable account, P Sanders, Moshoeshoe, chief of the Sotho.

rolling upland plateau in the north-east. Dubbed as the "last redoubt" by the French missionaries[4], they are divided by a series of deep gorges in which flow the Orange (Senqu) river and its major tributaries, the fourth major zone.

Weather and climate vary abruptly within Basutoland and exert great influence on economic activities. As altitude increases, so temperatures fall dramatically. For instance, Maseru at 1 530 metres, experiences a far more temperate climate than Mokhotlong at 2 200 metres, and far more so than Letsieng-La-Draai at 3 050 metres. This last station is normally 10° cooler than Maseru all year round. But, as land was lost to the trekkers, displaced Basotho were obliged to migrate into environs that were distinctly cooler and ecologically more fragile, such as the Foothills and the Maluti valleys.

John Wellington has demonstrated how much more vulnerable are the higher regions of Basutoland to frost, than the neighbouring Highlands.[5] Frost-free days are of crucial importance in the cultivation of crops and vegetation growth. Mountain areas can expect the first frosts before 21 April in contrast to the Lowland's 10 May. Last frosts in the mountains occur as late as 31 October whilst on the highveld, they are over by the end of September.

The significance of frost conditions lies in the limitation of the planting and reaping of crops. As the Basotho moved eastwards, they found that frost clearly restricted their ability to reap regular crops. Maize was regularly devastated by early frosts. As a result, many Basotho turned to the cultivation of wheat, initially a crop exclusively for export but later of greater importance for domestic consumption.

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4 R Germond, Chronicles of Basutoland, Chapter 37 is entitled "The last redoubt".

5 J Wellington, Southern Africa, I, pp. 224-6.

Within the Southern African context, all of Basutoland appears to receive adequate rainfall. However, the annual totals need to be approached with caution because the statistics hide several unfortunate characteristics. Rainfall is far less effective than might be supposed. There is a very marked tendency for the entire country to receive a major portion of its rainfall in the second half of summer.[6] This has very serious consequences when rainfall is late and frost early. Much of the rain occurs in the form of violent thunderstorms of great intensity, resulting in considerable damage to crops, vegetation and soil. Further, Basutoland is very prone to hail - as many as eight serious storms may be experienced a season in some localities.

Drought, especially when defined as a period of rainfall insufficient to allow normal agricultural procedures to occur, is a frequent phenomenon. Many are disguised by the total annual rainfall figures. Frequently, following good spring rains, there are periods of prolonged dryness and intense heat. Insufficient rainfall or erratic distribution, tend to reduce yields and lessen vegetation resistance to human and livestock misuse. An unfortunate tendency is for years of drought to group together. Whilst not as frequent, incessant rainfall, over long periods, adversely affects crops by waterlogging the soil which leads to crop damage and prevents essential weeding.

Whilst Lagden considered Basutoland's soils to be good and fertile[7], modern scholars disagree. Alan Best has noted that "pedologically, Lesotho is one of the poorest countries in Africa. Unfavourable parent material (from which much of the soil originates), unreliable rainfall, sparse natural vegetation and strong relief have combined to hamper soil development".[8] Poor natural conditions have been worsened by man's mismanagement of the soil. Monoculture and lack of fertiliser

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[6] Ibid., p. 263.

[7] Lagden, 'Basutoland and the Basutos', p. 354, suggests that Basutoland consisted of fertile soils.

[8] A Best, 'Lesotho: population pressure and non-development', in W de Blij and A Best, African Survey, p. 392.

have exhausted the soil and made it more liable to erosion.

Two soil types predominate: gley-like podsols in the west and along the Orange, and Basutoland black clay in the mountains. The podsols are sandy and are lacking in nutrients, i.e. they are an infertile soil. Their present state of extensive erosion is due to constant abuse. There is no possibility of restoring lost nutrients or resting the soil. The black clay is chemically superior and contains basalt but is severely restricted because of the steep slopes, heavy rainfall, frequent frosts and low temperatures. From the last two decades of the nineteenth century the soil was persistently abused (through over-use) by extensive overstocking and by attempts to cultivate crops.

Man's disastrous impact on the environment is particularly noticeable in the deterioration of natural vegetation.[9] The high altitude, low winter temperatures, high wind velocity and seasonal rainfall have tended to produce various types of grasslands with a marked absence of indigenous trees. The lack of trees forced the Basotho to use animal dung for fuel, thus depriving the veld of much needed nutrients. This, combined with widespread overgrazing rapidly ruined the natural vegetation.

The dominant species was "red grass" (sebokie) which was regarded as "sweet veld" since it was more palatable than other widespread grasses. Since the 1880's, "bitter karoo" and other unpalatable shrubs forming the vegetal type called schalalola by the Basotho, ("burrweed" in the Annual Reports), have colonised the mountain slopes. The same process has been repeated on the western plains where formerly dominant "red grasses" have retrogressed and the area become dominated by an association of sour grasses. This has resulted from a surplus livestock population eating the sweet grasses out, thereby allowing for the sour grasses to dominate and lower the nutritional value of the veld.[10]

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[9] Wellington, Southern Africa, I, p. 316.

[10] J Acocks, Veld types in South Africa, the enclosed maps show the extent of this over the past hundred years.

Both Wellington and Acocks have stressed the fragility of the natural environment in Southern Africa and the former has argued that:

> South Africa possesses the dreadful distinction of being the country where erosion and deterioration of the soil have made the most rapid progress, approaching more nearly than in any country, to a national catastrophe.[11]

Basutoland's erosion is reckoned to be the most serious example of bad erosion.

Both soil deterioration and erosion result from the disturbance of nature's balance of processes. As a living organism, soil draws its sustenance both from parent and vegetal cover. The processes of disintegration, decomposition and regrouping of elements into forms assimilable by plants, are carried out by soil bacteria, upon which, ultimately, the maintenance of fertility largely depends. Of all the various factors that contribute to erosion, the disturbance or destruction of the vegetal cover is the most serious. It destroys the cohesion of the soil and means a rapid removal of the precious surface soil with its humus.

Other physical factors inducing erosion include the degree and length of the slope, intensity of precipitation and the physical character of the soil. It is well-known that in the absence of obstructions, the steeper the slope, the more rapid the surface flow. What is not so generally realised is that the volume of the surface flow increases rapidly with the length of the slope. This means that on the lower parts of the slope, the volume of surface water collected from the superior portions, has a power of erosion vastly greater than that on the higher slope. The tendency, therefore, is for erosion channels, dongas, to occur more frequently on the lower slopes and to be more deeply cut on concave than on convex surfaces.[12] In Basutoland, whilst

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[11] Wellington, Southern Africa, I, pp. 286-90.

[12] Ibid., p. 92.

all areas experience erosion, the most serious examples can be found on the western plains, with its large population, massive herds of cattle and an environment susceptible to large-scale erosion, as well as in the various valleys.

Much of the rainfall experienced is of a high intensity and tends to defloccuate the surface soil, break up the granular structure and wash away the individual particles in a state of suspension. A further feature of the weather is the wide incidence of dust storms experienced in August and September over the western plains when the dry surface soils are eroded by strong winds.[13]

The fragile environment of Basutoland came under increasing pressure after the finalisation of boundaries in 1869. As so much land traditionally favoured by the Basotho was lost, there was a rapid movement of population into the Foothills and Maluti valleys. The central role of cattle and small livestock in the Basotho economy resulted in greater pressure being exerted on the environment. Official reports and missionary observations reveal that the deterioration had set in by the 1880's when Britain resumed responsibility for Basutoland. The worsening of the environment continued unabated into the present century and during the catastrophic drought conditions of the 1930's the environment received irreparable damage.

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[13] Ibid., pp. 92-5.

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