

The Development and Failure of the Eastern Cape
Separatist Movement with special reference
to John Paterson

A Thesis for the Degree of Master of Arts

by

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The writer wishes to express his gratitude to the Ernest
Oppenheimer Memorial Trust, whose Scholarship for 1920
Settler and Eastern Cape History has made this work possible.

RHODES UNIVERSITY,

GRAHAMSTOWN.

1974

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PREFACE

In 1960 Pamela ffolliott and E.L.H. Croft wrote a biography of John Paterson entitled One Titan at a Time. This concentrated mainly on his business activities and his civic rôle to the virtual exclusion of his political opinions and career even though contemporaries often regarded him as second only to John X. Merriman. The result of diligent enquiry for further biographical detail both in South Africa and in the United Kingdom has been disappointing. A close examination of such evidence as there is, suggests that his political abilities have been over-rated rather than under-rated.

It is now nearly forty years since the study of separatism was first seriously undertaken. The period 1854-72 was studied by N.H. Taylor (M.A. Thesis, University of Cape Town, 1938) and D.B. Sole undertook a broader survey (M.A. Thesis, University of South Africa (R.U.C.), 1939). Neither study used the Godlonton papers. The Godlonton-White correspondence is at Rhodes House, Oxford and this mainly concerns business matters and news of prominent local people. The collection of Godlonton papers housed in the Historical Papers section of the Library of the University of the Witwatersrand proved more interesting. The use of these papers made it possible to make a new approach to the critical period of representative government and to explore in more detail lines suggested in part by J.L. McCracken in the more general study, The Cape Parliament 1854-1910 published in 1967.

Yet because in many cases the leaders of the movement after 1854 carried into the new era ideas and attitudes formed in earlier years, it was necessary to consider also the origins of the separatist

impulse. Separatism had many roots : as a term it had many meanings. Clearly the meaning attached to the word varied from time to time, from place to place and even from person to person. The goal varied too. Sometimes the Eastern Province wanted to move the centre of government from Cape Town; sometimes the cry was for a completely separate colony to be established in the East; sometimes the theme was federal devolution of powers, to a resident government. Indeed among the many reasons for the failure of the separatist movement was the inability of the Easterners to agree among themselves about what they were seeking. This exposed and emphasised their political ineptitude.

ABBREVIATIONS

The following abbreviations have been used in this work:

Adv and Mail	South African Commercial Advertiser and Mail.
B.B.	Cape Blue Book.
Blue Book on Separation	Documents relative to the question of a separate government for the Eastern Districts of the Cape Colony (Grahamstown, 1847).
C.H.B.E.	<u>Cambridge History of the British Empire, Vol. VIII.</u>
Cape Archives	Godlonton Letters, Cape Archives. Acc.No. ZR 1/3/3. Microfilm of material in Rhodes House, Oxford.
C.N.	Cradock News.
E.P.H.	Eastern Province Herald.
E.P.N.	Eastern Province News.
G.G.	Government Gazette, Cape of Good Hope.
G.R.H.	Graaff-Reinet Herald.
G.T.J.	Grahamstown Journal.
Le Cordeur	B.A. le Cordeur, Robert Godlonton as Architect of Frontier Opinion, 1850-57.
P.P.	British Parliamentary Papers.
Pottinger-Young Correspondence	Correspondence between the Rt.Hon. Sir Henry Pottinger Bt., G.C.B., His Honour Sir H.E.F. Young, and others respecting a separation of the Eastern and Western Provinces, and the establishment of a distinct and Separate Government in the Eastern Province (Cape Town 1847).
Records	G. McC. Theal, <u>Records of the Cape Colony.</u>
Sole	D.B. Sole, The Separation Movement and the demand for Resident Government in the Eastern Province.
Southey Papers	R. Southey Papers, Acc No. 611, Cape Archives.

Taylor	N.H. Taylor, The Separation Movement during the period of Representative Government at the Cape 1854-72.
V & P (H of A)	Votes and Proceedings of the Cape House of Assembly.
V & P (L.C.)	Votes and Proceedings of the Cape Legislative Council.
Wits	Godlonton Correspondence, Acc No. A 43, Historical Papers, Library, University of the Witwatersrand

CHAPTER I

SEPARATION : EARLY MOVES AND MOODS

(1795-1853)

- a) Republican separation at Graaff-Reinet, 1795-99.
- b) Separation as Settler Politics, 1820-1834.
- c) Graaff-Reinet and Grahamstown make common cause, 1834-1848.
- d) Years of crisis, 1848-1853.

Between 1785, when a Drostdy was founded at Graaff-Reinet, and 1853, when the Constitution Ordinance was published, the Eastern Cape was transformed. Territorially, expansion continued;¹ the population structure changed and economic resources were developed. Within the shifting colonial boundary, new administrative patterns were developed,² and the foundations of local government may be sought in the Municipal Ordinance of 1836 and in Divisional Road Boards created in 1843. Central government while adapting to changed circumstances, remained in the traditional capital of Cape Town, more than six hundred miles away from the border lands of black and white interspersal. This, the basic geographical factor, explains in part why representative government developed so tardily at the Cape in the nineteenth century. It explains too the tendency of men in the Eastern Cape to regard themselves as not only isolated, but neglected, misunderstood, and even victimised by a remote government. Whether ultimate power lay in the Netherlands as it did in 1795, or London where it was re-established in 1815, Cape Town itself was six thousand miles from the point of legal sovereignty.

It is proposed in this chapter to look briefly at the protean forms of separation between 1785 and 1853, and to argue that after more than half a century, men in the Eastern districts had come to terms with one central fact, namely that it was impossible to change the seat of government - which was the seat of the military as well

¹The frontier was moved in 1798 to the Fish river, in 1819 to the Keiskamma, in 1829 to the upper Tyumie and in 1847 to the Kei.

²A.K. Fryer, *The Government of the Cape of Good Hope, 1824-54: The Age of Imperial Reform*. A.Y.B. 1964, Vol. I.

as the civil government.

(a) Republican separation at Graaff-Reinet, 1795-99

The Cape Patriotte movement which began in 1779 was a reaction to local tyranny on the part of the Company officials particularly the then Fiscal, W.C. Boers. It involved only that section of the European population living in or near Cape Town, and not even the cattle farmers of Swellendam took part in it. The call was for a written constitution and for some representation on the decision-making bodies in the colony. In addition they asked for a landdrost to be appointed in the East at Graaff-Reinet. They demanded seven seats on the Council of Policy when burgher affairs were discussed, as well as half of the seats on the High Court. However, apart from local grievances, they derived inspiration both from the American Revolutionaries and from the doings and writings of radicals in the Netherlands and France. The Patriot leaders and especially the second delegation to the Netherlands in 1785 kept in contact with the democratic party in the mother country itself and derived both ideas and support from it.³ The new Governor, Van der Graaff, did meet some of these demands and in addition relaxed many of the trade restrictions about which the Patriotte had complained.

Reaction to Company authority, even an echo of new revolutionary ideas, rumbled in the hinterland, particularly in Graaff-Reinet with a local emphasis peculiar to it. The trekboere in their movement out of the Western Cape had spread out as far as the Fish river and well beyond by 1780. Yet in that year the Company had proclaimed

³C. Beyers, Die Kaapse Patriotte, Book II, Chapter VIII.

the Fish river as the eastern boundary after repeatedly failing to hold similar lines to the west. Van Flettenberg had also indicated the north-eastern boundary on his tour in 1778. Over this vast area the Company's writ did not run for there was no administration to enforce it and no military force to protect and control the new settlers. The result had been that the Dutch pastoralists had fallen back on their own resources in the constant warfare with the Bushmen. However, once the district of Graaff-Reinet was proclaimed in December 1785 and its boundaries defined by a placat of 19 July 1786, the Company's jurisdiction was formally established in the area and it became responsible for the defence of the farmers within its confines.

After the rather laissez faire attitude adopted by the Company to their welfare, the farmers welcomed the establishment of the new Drostdy. There was a sense of relief at what appeared to be the Company's realisation of its obligations. This was shortlived, however, for with the arrival in 1793 of Honoratius Maynier⁴ as Landdrost to replace M.H.O. Woeke, there was a new determination to enforce the Xhosa policy laid down by the Company. The presence of the Xhosa tribes had added a complicating factor to relations between the Company and its subjects in the newly opened up areas beyond Graaff-Reinet. Although the Company embarked on a vigorous campaign against the Bushmen, it followed a policy of non-intercourse and, as far as possible, peaceful co-existence with the Xhosa. The plain fact that a policy of peaceful non-intercourse did not march with the situation

⁴Honoratius Maynier had been Secretary at Graaff-Reinet since 1789. He had been summoned to Cape Town in December 1792 where he was appointed Provisional Landdrost after Woeke's dismissal.

on the frontier was difficult to impress upon the Council of Policy in Cape Town, servant of a Company bent on retrenchment at any cost. Maynier was placed in a difficult situation. As a loyal officer of the Company, he was committed by it to a policy which his own intelligence and observation confirmed was the only possible one in the circumstances. He had no local roots and no flair for dealing with frontiersmen. Landdrosts had in practice a margin of discretion which Maynier refused to use. He followed to the letter the Company law that Hottentots should have access to the court of the Landdrost and after due trial, to secure redress. This was at a time of labour shortage on the frontier, where discipline was harsh and prejudice encrusted.

From the moment of his arrival as Landdrost, Maynier was confronted with difficulties and prejudices. He was faced almost immediately with a mass resignation of burgher heemraden and officers of Militia,⁵ headed by Adriaan van Jaarsveld. Van Jaarsveld had been the acknowledged local leader until his post as Commandant of the frontier was abolished in 1785 on the proclamation of the new district. This coupled with his financial difficulties helps to explain his action. The unsatisfactory conclusion of the 1793 frontier war was ascribed to Maynier's belief that it was impossible to drive the Xhosa over the Fish. Farmers who had lost stock in the war period, demanded government action to recover them. Failing this, they demanded that a burgher commando should be allowed to effect it. Maynier refused both requests.

This initial crisis tended to make Maynier more of a martinet than he would otherwise have been : at the same time the attitude

⁵J.S. Marais, Maynier and the First Boer Republic, p. 37.

of the malcontents grew more and more rigid and a gewapende opstand occurred. On 4 February 1795 a group of frontiersmen presented their grievances (in the form of a Tesamenstemming) to a meeting of burgher officers. Inter alia they demanded the expulsion of the Landdrost, a demand with which Maynier hastily complied. The resignation of several other officials was called for and received, their places being filled by 'representatives of the people'. It has been pointed out by C. Beyers⁶ that in so doing, although they rejected the authority of the Company, they did not throw off allegiance to the Netherlands. As he interprets the situation, the burghers now acquired the correct status vis-à-vis the Dutch Republic without the intervening yoke of the Company. This impression is substantiated by a study of the terms used in the letters, documents and titles of the rebel Graaff-Reineters which bear resemblance to those of the Dutch Patriotte. However true this might be, it does not obscure the fact that the republican movement was de facto a separatist movement away from the influence of Cape Town and its officialdom. It was in part the expression of dissatisfaction by frontiersmen at the lack of effective government in the East and the resulting lack of security on the frontier. Thus both the elements of separation and demand for representation were present in the Graaff-Reinet situation of 1795. It is interesting to note that this first separatist movement was a Dutch-led one in contrast to those in the next century. This can perhaps be explained by the moving frontier which after the war of 1846 left Graaff-Reinet well behind the zone of conflict. Sheep-farming prospered, land values improved, and in the

⁶C. Beyers, Die Kaapse Patriotte, pp. 249-253.

war of 1850-53 Graaff-Reinet was not involved to any extent.

The rebellion of 1795 continued during the first years of the British occupation because the burghers felt, as J.S. Marais⁷ points out, that the old personnel of the Company regime were merely working under a new flag. The rebellion at Swellendam in the months following that at Graaff-Reinet in 1795 appears to have been largely a reaction to the Company's economic policy of monopoly and especially the closing of the granary at Mossel Bay. The Xhosa problem did play a minor role however.

The question to be posed is whether the Graaff-Reineters were intolerant of all authority or whether their actions were merely to take authority in their own hands and deal with a situation which Cape Town refused to acknowledge? The majority of the Sneeubergeners on the Bushman front did not participate in the rebellion. One is led to suppose that they were happy with the Bushman policy as practised; it was the Xhosa frontier that was the discontented one. Neglected by a distant and seemingly hostile government in the West, prohibited from organising their own defence and irked by a 'liberal' Landdrost, the burghers were forced to act unconstitutionally and declare their own separate republic controlled by representative officials. After the new British authorities had stopped the supply of gunpowder to the rebel district, the Graaff-Reineters were forced to surrender. But echoes of the protest long remained as is evidenced by the rebellion of 1799 involving Van Jaarsveld and the later Slagter's Nek rebellion of 1815. Indeed it can be argued that it was only after the expansion of the colony which meant that

⁷J.S. Marais, Maynier and the First Boer Republic, p. 88 and Chapter VII *passim*.

Graaff-Reinet was no longer a frontier district, that this marginal tendency towards separatism subsided.

(b) Separatism as Settler Politics, 1820-1834

Between August 1796, the date of the Graaff-Reinet submission, and 1820 when the British Settlers arrived, there had been many changes. During the short period of the Batavian Republic administration, De Mist had created the new districts of Tulbagh and Uitenhage in an effort to get the central government more effectively represented in the hinterland and on the frontier. This was continued during the second British Occupation when in 1812 Sir John Cradock cleared the Zuurveld of Khosa and proclaimed the Fish^{river} once again the eastern boundary. At the new villages of Cradock and Grahamstown he placed deputy-Landdrosts, in addition to the military forces stationed along the river boundary. By 1818 the feud between the Khosa chiefs, Gaika and Ndhlabi, had drawn in the British forces in support of the former. The resultant retaliation by Ndhlabi to the point of boldly attacking Grahamstown, precipitated further British intervention. The Khosa were driven over the Kei, and the territory between the Fish and the Keiskamma^{rivers} was annexed as a neutral belt. This was the essence of a pact between Lord Charles Somerset and Gaika, and it was agreed that the area should be kept empty of both white and Khosa.⁸ There was certainly henceforward a greater awareness of the problems of the frontier zone as indicated by the establishment of Circuit Courts in 1811 and the experimental fairs which were early attempts to legalise contacts between opposing racial groups.

The next movement against centralised Cape Town government

⁸This verbal pact was concluded in October 1819.

was launched by the 1820 Albany Settlers a few years after their arrival, designed to form the buffer group between the rest of the colony and the Xhosa. At first they had been almost paternally cared for by the Acting Governor, Sir Rufane Donkin.⁹ He was at Algoa Bay to welcome them ashore in April 1820 and remained in the East until June. Again in 1821 he spent time in the Eastern districts attending to settler difficulties. He relieved them of the burden of paying for their transportation inland and he provided them with sufficient rations. In addition he established the village of Fredericksburg in the so-called neutral territory, thereby endangering the 1819 treaty and creating a security risk. On his return Somerset made many changes to Donkin's arrangements affecting the Settlers. Economic distress and insecurity made the Settlers particularly sensitive to Somerset's actions in abandoning Fredericksburg and moving the Drostdy from Bathurst to Grahamstown.¹⁰ The percentage of literacy amongst them was high and every man was his own politician.

After an application to the Governor to hold a meeting to air their grievances had been made and refused, the Settlers addressed a memorial to Earl Bathurst, Secretary of State for War and the Colonies. This document of 10 March 1823¹¹ was signed by most of the party leaders and many others. The full text of the memorial covers the whole spectrum of Settler grievances and discontents, but the real gravamen was that the remoteness of government at Cape Town

⁹ Sir Rufane Shawe Donkin (1773-1841) was Acting Governor from 13-1-1820 until 30-11-1821.

¹⁰ For a detailed study of the early years of the Albany Settlement, see G. Cory, The Rise of South Africa, Vol. II, Chapters II-IV.

¹¹ Records, Vol. 16, pp. 10-15 for text of the memorial.

led to delay and misunderstanding.

The crisis of 1823 was the crescendo point for earlier complaints had already reached Britain and charges of alleged mal-administration by Somerset had support also in Cape Town. In 1822 the British ministry had provided for the appointment of a Commission of Enquiry consisting of M.G. Colebrooke and J.T. Bigge.¹² Their terms of reference were wide and the area of jurisdiction was the Cape, Mauritius and Ceylon. That the Albany settlement was in Earl Bathurst's mind is shown by the following extract from his Instructions to the Commissioners,

'and you will particularly enquire into the circumstances connected with the settlements lately formed, and the probability of their success and advancement.'¹³

The Commissioners spent three years at the Cape during the course of which they visited the Albany settlement and Uitenhage. The ministry was in a quandary for it could not appoint a replacement for Somerset until he decided to come home on leave. But Bathurst could and did take some initiative. The Council of Advice was established in Cape Town as a buffer between the Governor and the governed. Bathurst proposed also to limit territorially the range of Somerset's direct intervention. Thus he decided to adopt a suggestion of the Commissioners that the colony should be divided. If that were done then a Lieutenant-Governor could be appointed who could act as Governor if Somerset left for England. M.G. Bourke¹⁴ was given this

¹²W.M.G. Colebrooke was a Commissioner, 1823-32. He was later Governor of various West Indian colonies from 1834 to 1856. J.T. Bigge had been a judge in the West Indies as well as a Commissioner in New South Wales.

¹³Records, Vol. 15, p. 241.

¹⁴Sir Richard Bourke (1777-1855) was Lieutenant-Governor, August 1825 - March 1826. He acted as Governor thereafter until September 1828. In 1831 he was appointed Governor of New South Wales.

commission and the decision was announced to Somerset in a letter of 20 August 1825. The firm tone of Bathurst's letter made it clear to Somerset that Bourke was to have a wide margin of discretion,

'nothing short of the most urgent necessity for your presence in the more distant division of the Settlements will justify your Lordship's interference in its [Eastern Province] Civil Administration.'¹⁵

As drafted, Bourke's commission included no mention of a separate administration for the Eastern Cape. He became Lieutenant-Governor of the whole colony. He arrived at the Cape in February 1826 and on Somerset's departure the following month, he became Acting Governor.¹⁶ Bourke administered the colony from Cape Town and thus the status quo was maintained.

The formal Report of the Commissioners, dated 6 September 1826 made explicit recommendations. An Eastern Province was to be established, comprising the districts of Graaff-Reinet, Beaufort, Somerset, Albany, Uitenhage and George. It would be controlled by a Lieutenant-Governor assisted by a council similar to the Council of Advice in Cape Town. In the East, the Council would be composed of the Lieutenant-Governor, the commandant of the frontier, and three of the senior officials in the civil service. A representative assembly for the East was envisaged in the near future, as well as one for the West. The proposed Eastern Province would have its administrative centre probably at Uitenhage where an abundant water supply and

¹⁵Records, Vol. 22, p. 495.

¹⁶H. King, Richard Bourke, p. 60.

proximity to Algoa Bay would make it a particularly suitable site. The location of the capital was however to remain provisional until the findings of the Lieutenant-Governor's survey had been made public. Uitenhage as the governmental centre for the entire colony, would have been resented by Cape Town, but tolerable for Grahamstown. But Uitenhage as capital for the Eastern Districts would have raised the opposition of Grahamstown and Albany. Here for the first time there emerged one of the divisive factors which dogged the separatist movement. Whether the design was for total separation or local autonomy, the Eastern Districts would divide on the location of the seat of government.

One of the unfortunate points of the Report was that it admitted that the scheme proposed was not economically viable. At a conservative estimate it was reckoned at £18,000 per annum - a large deficit for an economically poor colony like the Cape. In April 1827 the illness and resignation of Lord Liverpool led to a succession of ministerial changes in Britain. It was Lord Goderich, then Secretary of State for War and the Colonies in Canning's ministry, who conveyed the cabinet decision to Bourke. In view of the general cutback in colonial expenditure, the recommendations of the Report would not be implemented. Instead an alternative expedient was provided - a Commissioner-General for the East.¹⁷ This officer, said Goderich, 'will be strictly subject to the authority of the Governor to whom he will regularly report all his proceedings, and apply for instructions for his guidance.'¹⁸ The Commissioner-General had power to supervise

¹⁷In 1799 Maynier had been created Resident Commissioner for Swellendam and Graaff-Reinet by the British authorities. J.S. Marais, Maynier and the First Boer Republic, p. 116.

¹⁸Records, Vol. 32, p. 9.

co-ordinate and report, but no discretionary power to initiate.

In 1828 Andries Stockenstrom,¹⁹ Landdrost of Graaff-Reinet, was selected for the new post and received a salary of £300 per annum. His official residence was at Uitenhage and he was given a seat on the Council of Advice at Cape Town. As his office demanded his constant residence in the East, his position as a Councillor was farcical and he was, therefore, asked to resign in 1833.²⁰ Stockenstrom found his authority repeatedly overruled and superseded both by the Colonial Office in London and the authorities in Cape Town. In addition friction arose with Colonel Henry Somerset over military command of the troops on the frontier: here too Stockenstrom was worsted and his prestige in the Eastern districts rapidly declined. He did not exaggerate when, in his Autobiography, he complained,

'the business of the Eastern Division continued to be carried on direct between the Colonial Office and every branch of my department, by private as well as official correspondence, without my knowing anything at all about the matter except now and then, when it was deemed convenient to have my opinion or assistance.'²¹

Stockenstrom found his position as the 'fifth wheel of the cart' increasingly unbearable and he applied in March 1833 for six months leave. He had made frequent representations to the Colonial Office

¹⁹Sir Andries Stockenstrom (1792-1864) distinguished himself in the early frontier wars. Commissioner-General for the Eastern Districts (1828-33) and member of the Council of Advice (1828-33). Lieutenant-Governor of the Eastern Province (1836-39). M.L.C. for the East from 1854 to 1858.

²⁰Minutes, Council of Advice, 21-3-1833. Information supplied by Margaret Donaldson.

²¹C.W. Hutton, ed., The Autobiography of the late Sir Andries Stockenstrom, Bart., Vol. II, p. 15.

to increase his power and while in England in 1834 he hoped either to achieve this or resign. In the interim, his post was abolished at the end of 1833 as a result of general retrenchment.

Special attention to the problems of the Eastern Districts had not been forthcoming and even the constitutional changes of 1834 gave no consideration to the East. Although it was open to the Governor to propose men from the East as unofficial members of the Legislative Council, in practice until the appointment of W. Cock²² in 1847 this was not done. Consequently the Eastern Cape relied mainly on the press as a vent for its grievances.

(c) Graaff-Reinet and Grahamstown make common cause, 1834-1848

In December 1834, the uneasy peace which had officially lasted since 1819, was disrupted by war when the Xhosa invaded the Colony.²³ The main military operations were completed by May 1835, but the shock of what Robert Godlonton²⁴ called 'The Irruption of the Kafir Hordes'²⁵ was a shock to the whole frontier area, and the trauma can be gauged by much that was written at that time in the Eastern Cape. This could also be found in the counter-streams of

²²William Cook (1793-1876) emigrated to the Cape in 1819 and took part in 1834-35 frontier war. Member of Legislative Council (1847-53), M.L.A. for Albany (1854), M.L.C. for East (1856-57 and 1865-68). Main proponent of Kowie harbour scheme.

²³Among European historians there are divergent explanations of the crisis. The three studied were G. Cory, W.M. Macmillan and A.E. du Toit.

²⁴Robert Godlonton (1794-1884) was an 1820 Settler. In 1839 he became Proprietor as well as Editor of the Grahamstown Journal; and he built up a network of press interests in the Eastern Province. Member of the old Legislative Council 1850-53 and M.L.C. for the East 1854-57 and 1862-78. For a critical study of much of his work, see B.A. le Cordeur, Robert Godlonton as Architect of Frontier Opinion.

²⁵A Narrative of the Irruption of the Kafir Hordes into the Eastern Province of the Cape of Good Hope, 1834-35 (Grahamstown, 1836).

Settler mythology - that of the oral and written traditions of Settler families, and its antidote, the continuing flow of missionary endeavour.

Official policies, no less than the conflict itself, consolidated opinion among settlers in the Eastern Cape, Dutch and English alike. In the first place no compensation was paid for losses. Secondly, the hope that more land would be available for European settlement was frustrated and finally baulked. In May 1835 D'Urban hoped to evict Xhosa people from the whole area between the Keiskamma and the Kei rivers and open it up to settlement. By September he still held to this annexation of the proposed province of Queen Adelaide but he accepted that the so-called 'clearance of Kaffirs' was impossible although the King's sovereignty was to be maintained there. But when he received Glenelg's famous despatch of December 1835 he threw in his hand. He made no attempt to arrest or modify the retrocession of Queen Adelaide. Controversy over the origin of the war, its conduct and settlement built up a common front of resentment shared by those Boers who did not trek. Such is the irony of history that it was D'Urban who in April 1835 following the advice of John Ayliff had 'emancipated'²⁶ the Fingoes who had taken refuge in Hintza's territory and some were settled within the colonial boundaries.

Throughout the period December 1834 to August 1836 a press war had been raging between the South African Commercial Advertiser edited by Dr. Philip's son-in-law, John Fairbairn, and the Grahamstown ^{Gravestown} Journal.²⁷ This consolidated Eastern sentiment against the West as

²⁶For opposing views on this, see J.H. Soga, The South-Eastern Bantu (1930), and J. Ayliff and J. Whiteside, History of the Amambo generally known as Fingos (1912).

²⁷J. Frye, The South African Commercial Advertiser and the Eastern Frontier, 1834-47 (M.A. Thesis, Rhodes University, 1968), Chapter 3.

the nearer target, and gave a sharper edge to criticism of Imperial policy. The Select Committee of the British House of Commons which met under the chairmanship of Buxton²⁸ had been set up to enquire into British treatment of aborigines in several colonies including the Cape.²⁹ It met for the first time in August 1835 when the East was still recovering from the destructive war. The Committee heard a wide range of testimony and in retrospect its proceedings and report seem statesmanlike. Many in the Eastern Cape saw parts of the report as an indictment and found scapegoats in Dr. Philip³⁰ and Stockenstrom both of whom had given evidence.³¹ Financial loss, disappointment over the territorial settlement which deprived them of the prospect of land, and indignation against the so-called 'philanthropists' gave a new kind of platform to the East. When, therefore, in February 1836 Andries Stockenstrom was appointed Lieutenant-Governor of the Eastern Province and instructed to make treaties with the tribes, he moved into what he once described as 'an ocean of rascality'. An understandable and even warranted belief that the East had special problems and needed a regional government tended to be submerged into an intense dislike of the Stockenstrom policy and included bitter personal attacks on the man himself.

²⁸ Sir T.F. Buxton (1786-1845). British Member of Parliament and Philanthropist. Crusaded against slave trade in British dominions.

²⁹ See W.P. Morrell, British Colonial Policy in the Age of Peel and Russell, Chap. VI.

³⁰ Dr. John Philip (1775-1851) arrived at Cape in 1819 as missionary of London Missionary Society. In 1828 published Researches in South Africa in which he defended non-Europeans against the colonists.

³¹ J.M. Urie, A Critical Study of the Evidence of Andries Stockenstrom before the Aborigines Committee in 1835.... (M.A. Thesis, Rhodes University, 1953).

Although Glenelg specifically stated that he was reverting to the suggestions of the Commission of Enquiry, he neither instituted a separate council for the East nor included the districts of Beaufort and George in the Lieutenant-Governor's area of jurisdiction. The omission of the former is significant for laws were still to be made in Cape Town by the Legislative Council and merely passed to the Lieutenant-Governor for his remarks on them. The neglect of the East so long voiced by its inhabitants went unheeded once again. They were still not represented on the only legislative body which remained 600 miles from Uitenhage and a further hundred miles from the frontier.

Stockenström carried out Glenelg's policy to the extent of negotiating treaties with the border tribes, and also appointing resident agents. In fact the initial move for treaties had been made by Lord Stanley in 1833 when in a despatch of 27 November to D'Urban he had strongly urged that 'an intercourse with the chiefs of the Caffér tribes' be cultivated by 'stationing prudent and intelligent men among them as agents of your government.'³²

After two years of often vindictive persecution Stockenström journeyed to England to tender his resignation to Glenelg. The latter declined to accept it; Lord Normanby, Glenelg's successor, in part prompted by Major Charters, reversed this decision. In return Stockenström received a baronetcy and a pension of £300 per annum. It was in these circumstances that Colonel Hare³³ formerly Commandant

³²G.B. Crankshaw, The Diary of C.L. Stretch - A Critical Edition and Appraisal (M.A. Thesis, Rhodes University, 1960) Chapter II, p. 20.

³³Colonel John Hare was Acting Lieutenant-Governor August 1838-September 1839, and Lieutenant-Governor from September 1839 to September 1846.

of Cape Town, was appointed Lieutenant-Governor in September 1839 after acting in that capacity for thirteen months. A military man essentially, he possessed neither the independence of mind nor the efficient attention to detail necessary to make the position workable. Consequently the office degenerated into an instrument through which the Governor could exercise his influence directly on the East and the primary reason for the Lieutenant-Governor's presence on the frontier fell away.

Late in 1840 at a meeting of chiefs near Lovedale, Sir George Napier put forward major modifications to the Stockenström treaty system. These were to the advantage of the colonists. The modifications were reluctantly accepted by the chiefs, and C.I. Stretch, resident agent with the Gaika tribe, was critical of them.³⁴ The uneasy peace lasted for nearly two years before 'The Drift to War and Conquest', as Macmillan calls it, began. The new Governor, Sir Peregrine Maitland, often acted too hastily and too forcefully in his relations with the tribes. In April 1846 frontier tensions erupted into a short but bitter and hard fought war in which Andries Stockenström played a leading rôle in frontier defence thereby dispelling any myth that he was merely a negrophilist.³⁵ War necessarily meant the presence of the Governor as Commander-in-Chief on the frontier and it put the problem of the Eastern Province into the limelight.

But when in September 1846 Colonel Hare resigned, his resignation coincided with a motion by J.B. Ebdon in the Legislative Council. He recommended the abolition of the Lieutenant-Governorship

³⁴G.B. Crankshaw, op.cit., Section B. Stretch Memorandum.

³⁵A.H. Duminy, The Rôle of Sir Andries Stockenström in Cape Politics, 1848-1856, Chap. 2, A.Y.B. 1960, Vol. II.

because of its non-utility. This understandably evoked a storm of protest in the East. Though the constitution of 1834 had allowed for seven non-official members, not a single Easterner had as yet been nominated to the Legislative Council. Hence, the office of Lieutenant-Governor had for the East a symbolic value more significant than the personality and functions of the holder of the office at any particular moment. On this occasion, the Journal voiced the unanimous opinion of the East in condemning the Council.³⁶ A Grahamstown public meeting in November 1845, an Albany petition to the Queen in the same month and a Port Elizabeth meeting in January 1846 all reached the same conclusion. They admitted the failure of the Lieutenant-Governorship but insisted it was due to the weakness of Hare, and the lack of real powers. The necessity for separation to prevent this disregard of Eastern opinion was stressed. As a result two Easterners, William Cock and Dr. G. Atherstone, were nominated to the Council.

On 10 April 1847 the Journal announced an unconfirmed report that an officer named Young³⁷ had been appointed Lieutenant-Governor. This was confirmed and the Easterners were pleasantly surprised by Henry Young's firmness in his Proclamation of administering a 'distinct and separate government' of the Eastern Districts. Support for him grew spontaneously especially after he sent on 26 June a circular to many prominent Eastern residents soliciting their views on separation. By 30 April Young had already written to the Governor, Sir Henry

³⁶G.T.J., 13-11-1845, 20-11-1845, 20-1-1846.

³⁷Sir Henry E.F. Young (1808-70) was Lieutenant-Governor, 9 April to 4 November 1847. Thereafter he held posts of Lieutenant-Governor of South Australia (1848-55) and Governor of Tasmania (1855-61).

Pottinger, in support of Eastern complaints of neglect by the Central Road Board. His insistence on a distinct Eastern Road Board and on control by himself of convicts in the East did not gain the approval of Sir Henry Pottinger. The opinion of the Executive Council was sought and the Cape Town based officials were able to quash all Young's suggestions.³⁸ He was convinced of the desirability of some form of resident government in the East, but preferred a removal to Uitenhage to a separation of the provinces. In this he was guided by the economic condition of the colony. Pottinger now wrote to Earl Grey, the Secretary of State, in favour of independent administration on the frontier. He realised the Lieutenant-Governor could do no good with the limited powers available to him. But he feared the evils of disunity and was torn between this and a belief in the validity of the frontier grievances. Pottinger's half-hearted attempt at reform was pigeon-holed in London as soon as his short eleven month Governorship ended in December 1847. Young's transfer to Australasia was deeply felt by the East. His attributes of independence of mind, popularity and lack of partisanship at the Cape all contributed to him filling the office with distinction.

Sir Harry Smith who succeeded Pottinger advised the Colonial Office strongly against a new appointment to the post of Lieutenant-Governor. This was partly personal, for Smith desired a free hand to tackle the whole frontier situation in southern Africa. Even after the annexation of Kaffraria and the extension of the frontier to the Orange in December 1847 the Easterners were however still in the dark on the point which most directly concerned them. This explains the

³⁸Pottinger-Young Correspondence, p. 6. Executive Council to Pottinger, 15-5-1847.

Grahamstown meeting of 6 September 1848. There had been earlier petitions for representative institutions.³⁹ Now for the first time the idea of representative government was clearly linked with the idea of some kind of autonomy. The Grahamstown meeting sought to form an association 'for the purpose of procuring on the frontier an Independent Government with a representative Assembly.'⁴⁰ In Port Elizabeth an Eastern Province Resident Government Association was formed. This stimulus was sufficient for several branches to be formed in other Eastern Province centres with a Central Committee in Grahamstown. The most interesting fact was the insistence on regional and resident government which should include both an executive figure and an elected representative assembly. Representative government had already been granted in Canada, the Australian colonies and in New Zealand, and the Grahamstown Journal followed developments closely. By comparison, the political development of the Cape had lagged behind. Complete separation was regarded even by Grahamstown as being impracticable at this stage, and there was support for the Port Elizabeth idea of federation. The plan of the Home Government for New Zealand was felt to be peculiarly applicable to the Cape situation, namely a Governor-General and a Federal Assembly to co-ordinate matters of general importance, while local legislatures and Governors dealt with local affairs. But the dissension within the Eastern ranks and the failure to formulate a single viable proposal brought their efforts to nought.

³⁹As early as 1830 there had been such a petition from 'British Settlers and others resident at the Cape of Good Hope.' G.W. Eybers, Select Constitutional Document Illustrating South African History, p. 30.

⁴⁰G.T.J., 8-9-1848.

The movement was more than ably supported by John Paterson, then editor of the Eastern Province Herald. Paterson's editorials were of great assistance in attempting to cohere public opinion. Both his 'Why will the mere appointment of a Lieutenant Governor not meet the necessities of the Eastern Province?',⁴¹ and 'What is meant by Separation?',⁴² offered help to the frustrated East. The former emphasised the importance of popular representation so that even if men like Young were to attempt to legislate without it, they would alienate themselves from the people. The latter editorial hit at a particularly vulnerable chink in the Eastern armour : the lack of definition of separation and the absence of practical solutions. It also clearly revealed his preference for federation. He was in step with, and not ahead of local opinion.

(d) Years of crisis, 1848-1853

Professor A.F. Hattersley has argued in his study of the anti-convict agitation and its overlap with the pressure for representative government that it 'had been a watershed' and had helped to create 'common understanding born in some degree in these years of tension.'⁴³ In retrospect and in broad perspective, this is acceptable. Yet a closer study of these years suggests that the divisive factors should not be ignored. The battle at Bloemplaats and the execution of Dreyer⁴⁴ provoked cross tensions between Boer

⁴¹ E.P.H., 9-9-1848.

⁴² E.P.H., 23-9-1848.

⁴³ A.F. Hattersley, The Convict Crisis and the Growth of Unity, p. 125.

⁴⁴ In September 1848 at Bloemfontein.

and Briton, and a thinly veiled appeal for assistance reached Stockenstrom from A.W. Pretorius in July 1848.⁴⁵ The intervention of Stockenstrom in Cape politics and his alignment with the 'populars' among the Westerners, broke what remained of what may be called a frontier political front.⁴⁶ Even in the Executive Council in Cape Town, as the war of December 1850 and the Kat River rebellion developed, John Montagu who had supported the Attorney-General's⁴⁷ constitution draft of 1848, changed course. He now supported moves to raise the franchise qualification from £25 to £50,⁴⁸ with the somewhat embarrassing support of the Grahamstown Journal. Quite apart from the new situation created by the annexation of Kaffraria and the Orange River Sovereignty,⁴⁹ the new alignments and divisions within the Cape were not easily eradicated in the years which followed: perhaps never completely so. For it was during the crisis over the convicts and the constitution that Godlonton's Grahamstown Journal almost contracted out of the common front of agitation. It was opposed to the use of convicts, but it would not associate with the violence of the agitation in Cape Town and the attacks on the Governor. This was partly because Godlonton feared a general anti-Imperial movement and partly because he and his friend, William Cock, needed the

⁴⁵A.H. Duminy, The Rôle of Sir Andries Stockenstrom in Cape Politics (1848-1856), p. 95.

⁴⁶See : Chapter 4 for political divisions in the Eastern Cape. The only unifying factor had been the wool trade.

⁴⁷The Attorney-General was William Porter, see p. 33 footnote 10.

⁴⁸A.K. Fryer, The Government of the Cape of Good Hope, 1825-54, p. 89.

⁴⁹In June 1850 Godlonton established The Friend of the Sovereignty and Bloem Fontein Gazette which was edited by his nephew, Thomas White.

Governor's support for the Kowie Harbour scheme⁵⁰ and his sympathy for the separatist movement.

In the context of these years of controversy the separatist movement was an accompanying rather than a dominant theme. In 1848 the Easterners had linked together representative institutions with the cause of separation. This was opposed by the Westerners, ignored in Porter's draft, and rejected by the Board of Trade and Plantations largely it seems on the advice of Montagu and his colleagues. The Report stated,

'we are only withheld from advising that the colony should be divided, by the circumstances that it appears to be the decided opinion of those whose local knowledge gives them better means of forming a sound judgement than ourselves.'⁵¹

The main arguments adduced against a single government were distance from its seat in the case of the East, and lack of influence by the East in the colonial legislature resulting therefrom. To obviate this difficulty the Report recommended travelling allowances for members, and as short an annual session as possible. Another suggestion was a maximum of administrative devolution so that municipal and other elected local bodies might share in the business of government.⁵²

The plan was that the Cape should receive a bicameral elected Legislature though there was no firm decision about the franchise for the upper House.⁵³ However, the qualification for membership of it would

⁵⁰Le Cordeur, pp. 90-91.

⁵¹P.P. XXXVIII (1137), p. 102, section 7. Earl Grey to Smith, 31-1-1850. Enclosure No. 4.

⁵²Divisional Councils were only created in 1855 (Act 5 of 1855).

⁵³In the Constitution Ordinance, the franchise was the same for both Houses.

be on a higher property basis than for the House of Assembly.

When criticism of the inefficiency of the Legislative Council had merged into the strident violence of the anti-convict agitation,⁵⁴ the unofficial members of the Council had been forced to resign. Only William Cock, the Eastern member, stood his ground. There was then no legally constituted body to discuss the constitution. To end the impasse the Governor suggested that municipalities and Divisional Road Boards should nominate possible members so that he could select from them. This was seized upon and misconstrued as an opportunity for a mock election. Votes were counted and the top five places went to Brand, Stockenström, Reitz, Fairbairn and Wicht. From the list the Governor selected the first four and in addition, Godlonton who had appeared eleventh. This clearly ignored 'electoral' order⁵⁵. There were now three English, three Dutch - three Westerners, three Easterners. This balance was probably not so operative as the fact that Smith needed Godlonton to offset Stockenström. Throughout 1850 agitation about the constitution had been renewed in the East. When the so-called election was held, Grahamstown and Graaff-Reinet participated. However, Port Elizabeth and Uitenhage boycotted it.⁵⁶ But the nomination of Godlonton over the head of Wicht had divided English from Dutch, conservatives from 'populars' who pressed for a more 'responsible' government. It was on this issue that the reconstituted Legislative Council split. On 20 September 1850 the liberals, alias

⁵⁴As early as March 1849, news had reached the Cape of the 'Neptune's' mission. The ship itself arrived at Simon's Bay on 19 September.

⁵⁵Le Cordeur, pp. 84-87 and p. 156.

⁵⁶G.T.J., 18-5-1850, 15-6-1850.

the 'populars' namely, Brand, Stockenstrom, Reitz and Fairbairn, resigned en bloc. They then set to work to draft their own constitutional proposals in conjunction with the Cape Town municipal party.⁵⁷ These resignations paralysed the Council and thereby the necessary consideration of the constitution. The distraction of the war of December 1850 further explains delay in reconstituting the Legislative Council, this time by arbitrary nomination in October 1851.

Sir Harry Smith had based his strategy of annexations in 1847 and 1848 on the assumption that unrest and wars were interconnected and part of a sub-continental problem. Now, in June 1851⁵⁸ in the midst of a major war in the Cape, and possibly goaded by news of the disturbances in the Orange River Sovereignty, Smith made an equally bold political suggestion. He proposed that the Eastern Province should have a 'separate and distinct government', but should be enlarged to include both Kaffraria and the Orange River Sovereignty. Of the many designs for separation this was certainly the boldest but among the most impracticable and justifiably short-lived.

In the same month Smith had been informed by Earl Grey that Major W. Hogg and C.M. Owen⁵⁹ were to settle the boundaries of the Cape. In answer to Smith's suggested enlarged Eastern Cape, Earl Grey made a counter-proposal, namely that the seat of government be moved. On this point, Smith was then blocked by the members of the Executive

⁵⁷This unofficial draft constitution was taken to London by Fairbairn.

⁵⁸Smith to Earl Grey, 14-6-1851 quoted Sole, p. 149.

⁵⁹W.S. Hogg (1812-52) fought in War of the Axe. As Assistant Commissioner with Owen, he signed (after negotiations) the Sand River Convention in 1852. C.M. Owen (1817-94) came to Cape in 1841 with British Colonial Service. Signed Sand River Convention and in June 1852 met representatives of Orange River Sovereignty to arrange for their independence.

Council in Cape Town. Porter in particular was adamant, the question of a separate government for the Eastern Cape must wait for the proposed new Parliament, as should that of a removal of the seat of government. Earl Grey temporised but he did issue Letters Patent for a Lieutenant-Governor in January 1852. But the commission did not include sufficient civil authority to make the position any more viable than when Young had last held it in 1847. Darling⁶⁰ occupied the position from 1852 to 1854 though with lessened powers.

In peaceful times, a proposal to remove the seat of government, even though blocked, would have electrified the Eastern Cape. The war which seemed to warrant removal was the chief pre-occupation of the Journal, whose editor, Godlonton, began to question even the wisdom of a constitution. The recall of Sir Harry Smith in March 1852 removed the local 'friend at Court'. Admittedly, Sir J. Pakington who became Secretary of State for War and the Colonies in the Derby-Disraeli ministry,⁶¹ decided in mid 1852 to reconsider the possibility of removing the seat of government. However, his tenure of office was brief and negotiations for the abandonment of the Orange River Sovereignty followed hard on the heels of the Sand River Convention. This and the conclusion of war in the Cape would alter the whole focus and perspective of the political as well as military scene in South Africa.

Only one significant pamphlet was published, by John Paterson of Port Elizabeth. It was entitled Dissertation on the Absolute

⁶⁰Sir Charles Darling (1809-1870) was Lieutenant-Governor from January 1852 until May 1854 when he became Acting Governor between the departure of Sir G. Cathcart and the arrival of Sir G. Grey in December 1854.

⁶¹Sir John Pakington held this post from February to December 1852.

Necessity of Resident Government in the Eastern Province, Cape of Good Hope, and on the Eligibility of Uitenhage as the site pointed out by nature herself for the seat of the Supreme Power in British South Africa. Even this is confusing. The term 'resident government' implies an effective Lieutenant-Governor. Yet the suggestion is not for local devolution but for the transfer of the capital itself to Uitenhage on the grounds that it was nearer the zone of frontier conflict. Paterson argued that since the government could not stop the natural inclination of the savage tribes to cross into the defenceless province to plunder, 'a present all-powerful superintending Government must be on the spot, to instruct and inform the movement which it cannot arrest.... This is the high and divine office which Resident Supreme Government in the Eastern Province would have to undertake in relation to the migration-process, and what stronger argument need be urged for immediate Removal?'⁶² The very fact that so much emphasis was placed on the military aspect to the neglect of geographical factors and the desirability that central government should have a central situation, was to mean that peace on the frontier must give the quietus to plans for removing the capital.

From this point on, it is doubtful whether the East seriously considered that the removal of the seat of government was practical politics. The constitution itself provided that Parliament need not necessarily meet in Cape Town. But the choice of a new site even in the unlikely event of the West accepting it, would only have divided the East on new lines.

⁶²J. Paterson, Dissertation on the Absolute Necessity of Resident Government in the Eastern Province..., p. 18.

N.H. Taylor⁶³ has argued that it was only after 1866 that the East finally conceded that Cape Town would have to remain the seat of government. It is here suggested that removal might have been practical between 1850 and 1853 when first Earl Grey then Sir John Pakington did at least consider it. After 1853 the subsidence of frontier upheavals and the fact that Parliament could meet elsewhere than at Cape Town,⁶⁴ removed the real grounds of argument. While it is true that on occasion the separatists proposed the removal of the seat of government, this was usually as an ineffective Parthian shot. For example in 1861 after the failure of Harries' Bill for separation, he introduced a motion for removal of the seat of government.⁶⁵ Another line of thinking in the East seems to have been that if the West were threatened by a campaign to remove the seat of government, they would support one of the alternatives, namely separation by federal devolution, or separation by partition. Once the constitution was decided upon, and a Parliament established, the Easterners were forced to work in a different context whose subtleties they did not master.

⁶³Taylor, p. 135.

⁶⁴Section 60 of Constitution Ordinance.

⁶⁵V & P (H of A) 1861, p. 188.

CHAPTER II

THE SEPARATION MOVEMENT IN PARLIAMENT
AND THE MAKING OF A POLITICAL ORGANIZATION

(1854-1862)

The common factor in the clamours of the Eastern Province in the century 1780-1880 was for control of its own affairs. This was particularly in regard to frontier defence and relations with native tribes, and remained so long after the immediate threat of war had subsided. The long frontier war of 1850-3 combined as it was with the Kat River rebellion, remained implanted in settler minds as a crisis which should never be allowed to recur. Yet a curious feature of nearly all the speeches of the separatists is this : reference is not made directly to the recent war of 1850-3 but rather to the frontier in general terms and specifically the war of 1846. This is not easy to explain. It may be because even the Commercial Advertiser and its liberal editor, John Fairbairn, regarded the 1846 War of the Axe as an unprovoked aggression by the Xhosa tribes. For once the press of the Western Cape had made common cause with the Graham's Town Journal. It was then the locus classicus.¹ It was moreover well known in its incidents because of Robert Godlonton's work on it.² This fear of the frontiersmen accounts for the vigour with which the separation campaign was constantly waged by the frontier districts and explains the anxiety of many at the prospect of responsible government with a concomitant reduction of Imperial garrisons. Frontier tensions and experiences, and the fears they generated may be seen as a motif in Eastern Cape thinking throughout the whole period.

¹J. Frye, The South African Commercial Advertiser and the Eastern Frontier, 1834-47; M.A. Thesis, Rhodes University, 1968. Chapter IV.

²Case of the Colonists of the Eastern Frontier of the Cape of Good Hope, in reference to the Kaffir Wars of 1835-6, and 1846 (Grahamstown, 1847.)

However, to regard the entire separation agitation as motivated solely by the frontier question is clearly an oversimplification. Sir George Cory, for example, wrote that 'The desire for government in the East arose almost entirely out of the need there was for protection against barbarous and predatory neighbours.'³ Frontier questions which were in part land questions, were admittedly important. But Le Cordeur rightly emphasises the importance of other factors operative from quite an early point. He writes that 'on the immediate frontier ... the practical farming community was preoccupied with the problem of security; in the towns and ports, which were further removed from the scene of danger, the demand was rather for administrative reform.'⁴

The first effective plea for separation on the grounds that the Eastern Districts was economically viable was made by J.C. Chase⁵ in 1843. But a new cleavage seems to appear in the 1850's for the advance in the line of the European frontier meant that areas like Cradock and Graaff-Reinet became geographically more remote from the zone of actual conflict. Indeed sheep farming at Graaff-Reinet flourished all through the war of 1850-3. Henceforward those districts which could roughly be described as the Midlands emphasised the prosperity of the East as a result of wool whereas Albany, briefed by the Godlonton press and undoubtedly influenced even if sub-consciously, by the trauma of the great crisis of December 1834, stressed the danger of the Frontier. This was immortalised for them by Godlonton's first

³Sir G. Cory, The Rise of South Africa, Vol. IV, p. 234.

⁴Le Cordeur, p. 68.

⁵In his work, The Cape of Good Hope and the Eastern Province of Algoa Bay.

book⁶ on the war which, as Le Cordeur has shown, influenced much of Godlonton's thinking thereafter.

In 1857 the combined imports and exports of the East exceeded those of the West for the first time, a position which held for many years. The widening gap between the two provinces, even in customs duties after 1863, was seen as incontestable proof both that the East could survive as a separate unit economically, and that it was time for it to be given a fair share of political power and administrative controls. The official figures given in the Cape Blue Book for 1863 show that the customs returns for the East exceeded those of the Western Cape by £3,729.⁷ This may be because before the days of railways Port Elizabeth was more favourably situated as a port of entry for trade with the interior. The position is, however, puzzling for in a file of miscellaneous documents in the Godlonton Correspondence in the Library of the University of the Witwatersrand, one written by Chase gives figures which are very different from the official figures. It is difficult to ignore this because Chase was a pioneer champion of the cause of Eastern separation and was held to be a reliable statistician. For 1863 he notes a Western surplus of £1,279. Moreover, he was prepared to stand on this - 'For the accuracy of these statistics, for they are derived from Government Returns alone, "I throw down my Glove".'⁸ Whatever the particular position in the controversial year, 1863, it seems

⁶Introductory Remarks to a Narrative of the Irruption of the Kafir Hordes into the Eastern Province of the Cape of Good Hope, A.D. 1834-35.

⁷B.B. 1863, p. AA 91.

⁸This document is not dated but it includes a series of import, export and customs duty returns worked out by Chase for the years, 1855-75.

clear that the Eastern Cape commerce was expanding on an impressive scale.

It was largely for economic reasons that John Paterson favoured the idea of provincial governments which would grant a maximum of local self-government to each interest group without the total separation which would cause irreparable harm. Each provincial government would have the incentive to develop its own economy as it would enjoy the fruits thereof. Districts like Graaff-Reinet and Colesberg which contributed substantially to colonial revenues, derived little advantage from them. Colesberg, and even Graaff-Reinet after 1846, were however remote from the zone of frontier conflicts, and inclined therefore to underestimate this factor which remained paramount in the minds of frontiersmen whether they were farmers or dependant on the up-country trade. At point after point, the divergence of interest and viewpoint was exposed. The Midlands were prepared to group with the West so long as their interests, political and economic, were cared for, while the Frontier districts remained uncompromising in their attitude that no one but themselves could control the native problem. The introduction of representative government in 1854 had merely meant that the Exeter Hall 'theorists' were joined by the Cape Town 'philanthropists' who in combination informed the frontiersman how his problem was to be handled.

Credit was due to the Easterners at least for their perseverance in attempting every possible strategy and interim tactic to secure their aim but it was precisely this constant change of proposals that enabled the West to reject them. The emphasis shifted from separation in a separate colonial unit, to federation, to removal of the seat of government, to provincial governments and back again, not including the moves for alternate parliaments and equality of representation.

The complete lack of understanding of the constitutional terms employed and the failure to put them in a viable form on the order paper meant that the East seldom moved from its starting block. One may cite various petitions to Parliament praying for separation or federation or removal, on a give-us-one-at-least basis. This vagueness was a hallmark of many of the Eastern proposals put before Parliament and which fell easy prey to the destructive criticism of men like Saul Solomon⁹ and William Porter.¹⁰ The various shades of meaning given to terms like 'separation' and 'federation' by Eastern members of Parliament made it easy to play one interpretation off against another. Solomon's sarcastic jibes to the effect that the East could not define what it wanted, did not clarify their difficulties but added to the exasperation of the Easterners. The inability to overcome indecision and to make a clear cut plan and concerted effort to achieve one particular remedy was a major failing. While some urged no ties with the West and direct responsibility to the colonial office in London, there were mutters from others of federative-separation and such complicating terms. The number of those who supported complete separation was small and dwindled because of the depression of the sixties. The crucial point was frontier defence, and it was the cost of this which made many hesitate and prevaricate. For example, when delegates of the Eastern Province Separation League met at Somerset East in February 1861, it was resolved

⁹Saul Solomon was M.L.A. for Cape Town (1854-68 and 1870-83). He was an excellent debater and a strong supporter of responsible government as well as Cape unity. He was offered the premiership in 1871 but refused it. From 1863 he was also sole owner of the Cape Argus.

¹⁰W. Porter was Attorney-General at the Cape 1839-66. He later sat for Cape Town (1869-73) and with his renowned oratory advocated responsible government.

'That it is the opinion of this Committee that an annual subsidy of £25,000 would be a fair and reasonable contribution from the Western Province towards defraying the expense of frontier defence.'¹¹ The Journal was more logical and in an editorial on 13 October 1860 had asserted, 'Henceforth we accept Separation with all its liabilities....'¹² This implied willingness to forego the £25,000 towards the cost of defence. But only a few die-hard conservatives like T.H. Bowker were prepared to see the East assuming total financial responsibility for the defence of the borders of the Cape. He made his position very clear in a letter of March 1861 to Godlonton who was still in London.

'I entirely disown the necessity of making the west pay any part of the Frontier defence - no we want to be clearly rid of them. As things look now I can see no way of getting rid of the Cape, the League wants 25000 £ per annum from the West for Border defence, while the whole Border from Queen's Town to the Natal line at the Umzimkulu, will be a kind of new aggravated form of Kat River and British Kaffraria combined directly under Cape Town influence and misdirection. Under British protection!!'¹³

The first Cape Parliament met in Cape Town in June 1854. Although the constitutional ordinance of the previous year had shown great tact in the provision for Eastern Cape representation,¹⁴ the Eastern members had not been placated. Two years of watching and waiting

¹¹Minutes of Proceedings of the Meeting of Delegates of the Eastern Province Separation League, p. 7. This resolution (No.15) was moved by W.M. Harries and G. Wood jnr, delegates from Port Elizabeth and Grahamstown respectively.

¹²G.T.J., 13-10-1860.

¹³T.H. Bowker to Godlonton 21-3-1861. Wits.

¹⁴In the Legislative Council the East had seven seats against eight for the West. In the House of Assembly the numbers were 22 and 24 respectively.

convinced the Easterners that their fears were confirmed : the West and its viewpoint predominated. Hence in 1856, mainly as he admitted, to ventilate discussion and give the East a platform,¹⁵ Charles Pote of Grahamstown raised the question of separation for the first time in the new Parliament. He claimed,

'that the indifference so often manifested by the Western Legislature to further Eastern interests, has been perpetuated, and taken rest in the present Parliament; and by this absence of a willing co-operation for the general good, justifies the demand for a severance of all political union between the Provinces, and the erection of the Eastern Districts into a separate and independent Government, to secure to the people all those rights, privileges and immunities, of which they have been so long deprived, - but which can only be guaranteed to them under a separate Constitution.'¹⁶

Pote's motion revealed that the call was not merely for justice in the sense of due consideration for the Eastern Cape, but for nothing less than complete autonomy and in effect, a new constitution when the first was only two years old. There was no evidence here of political maturity or even of a well thought out plan. Pote's twenty one resolutions provided for two provincial governments similar in form to the then present Cape government, but 'separate and independent' in all facets - legislative, administrative and judicial. The latter was specifically stated because the expense and delay involved in the administration of justice in the Eastern Cape was a constant grievance. According to Pote's resolution, a Commission was to be

¹⁵Adv & Mail 31-5-1856.

¹⁶Adv & Mail 31-5-1856.

appointed to decide upon what basis the two proposed units were to share the burden of the existing debt of the colony, the civil list,¹⁷ and public works. D.B. Sole¹⁸ states that the commission was to be a royal one. In practice this would probably have been necessary since the constitution granted in February 1853 was issued under an act of the Crown. But Pote had not reasoned this far and suggested in his twentieth resolution that the Governor could appoint a commission. He could not have done this proprio motu. Curiously, while providing an Admiralty Court for each of the proposed new colonies, he omitted to consider the question of customs duties and possible drawback for goods entering the colony via Cape Town. Since the Cape steadfastly refused the Orange Free State such a privilege, it would have been difficult to make any concession to Port Elizabeth.¹⁹ Pote, an 1820 settler who represented Grahamstown in the House of Assembly, did not lose sight of purely local interests. He stipulated that the loan of £25,000 granted in 1852 for the Kowie harbour should be continued after separation. The same concern for locality, as well as his friendship with Godlonton, prompted him likewise to suggest that the West was to contribute to the cost of the Frontier Armed and Mounted Police in their task of border defence. In sum, though the proposed Eastern Province would share with the West their agreed common

¹⁷ Reserved Civil List Ordinance (No. 3 of 1852) as confirmed by Order in Council, 11 March 1853. G. Eybers, Select Constitutional Documents Illustrating South African History 1795-1910, pp. 55-7.

¹⁸ Sole, p. 178.

¹⁹ There was also East London to consider; it belonged to the Cape from 1848 until October 1859 when it was incorporated into British Kaffraria.

obligations : the civil list, the public debt, the cost of public works, the East expected special consideration for both the Kowie loan and the frontier. Inevitably Pote was answered by the brilliant oratory of Saul Solomon who stood for the unity of the colony. Pote's propositions invited and received attack from the West. They had been hastily compiled for as he said, his intention was merely to agitate the question. More unwise was this : he had neglected to consult his fellow Easterners. As the Journal itself complained,

'Mr Pote, the member for Graham's Town, has framed another constitution single handed, without, we believe, even consulting a member of the Eastern Province, which it is intended to govern How can we expect any success from united effort while one member takes so much upon himself?'²⁰

Saul Solomon was a skilled tactician. He concentrated his main attack not on the plan outlined in the propositions, but on the divisions in the East exposed by Pote's unilateral move. He had not consulted Grahamstown much less the complex of members and interests which would be expected to co-operate in a separate Eastern Province. What Pote had exposed, Solomon enlarged upon and revealed particularly how judicial institutions offered to the East had been lost in the House by Eastern votes. This had been the case with the 1854 proposal for two puisne judges in the East as well as the Bill for the Better Administration of Justice. He concluded by moving an amendment which promised to grant separation when the entire East demanded it. Thus this first parliamentary move for separation was doomed by its lack of clarity, its bad timing (at the end of the

²⁰ G.T.J., 24-5-1856.

session) and by its failure to secure a united party to promote it.

In the 1857 session it was the turn of Godlonton to put forward a proposal, this time in the Legislative Council. His idea was a strange hybrid of federation and separation. His words were 'the division of the Colony into Federative Provinces for Local and Legislative purposes' but his motion on the order paper suffered from a want of proper definition. It was clear that the real power would lie in each of the two provinces although there was provision for a federal parliament. W. Fleming in seconding the motion, talked vaguely of such a body perhaps meeting every two or three years to discuss general policy. The greater part of Godlonton's speech was devoted to the views held by the 1823 Commissioners of Enquiry, Sir Benjamin D'Urban, Sir Harry Smith, Sir Andries Stockenström, Sir Henry Young and Earl Grey - all of them in the pre-representative government era.²¹

The main object of this catalogue was to emphasise that the Eastern frontier could not be defended by a government resident in Cape Town, but all the arguments were adduced from the 1846 frontier war and the days of the old Legislative Council. In 1850 F.W. Reitz²² a prosperous sheep farmer had himself resigned from the Council in protest against the tactics of Sir Harry Smith. Now, however, he was a member of the new Legislative Council for the Western Districts and pointed out with some vigour that the whole situation had changed.

'I can see no advantage in repeating the opinions of Lieutenant-Governor Young, or any other person before, or immediately after,

²¹For their opinions, see Chapter I passim.

²²F.W. Reitz sat in the upper House from 1854 to 1863 and later as a member for Swellendam in the lower House 1869-73.

his time, for they can say nothing as to the present state of the colony with the constitution we now have.'²³

He also picked on the lack of understanding of the term 'federation' in proper constitutional usage. The federative-separation motion put to the vote on 8 May was lost seven-six, a solid West-East division. Relying on this temporary union among the Eastern members, and in frustration at the failure to halt the vote for the Cape Town-Wellington railway, the Eastern members in the Legislative Council resigned en bloc on 24 June. This signalled the end of a phase in separatist agitation. It was intended to signify a total rejection of Parliament as a medium through which to work. Soon after Godlonton hitherto the leader and in part the inspiration of the separatist movement sold his possessions and returned to Britain.

In 1859 however the position changed in a way the Easterners had not anticipated. Sir George Grey, Governor and High Commissioner since December 1854, had been asked by the Secretary of State, Sir E.G. Lytton, to consider the federation of the British colonies in South Africa.²⁴ His response was to broaden the whole perspective by discussions with the Free State and to propose in his dispatch of 19 November 1858²⁵ the inclusion of the Free State in a new federal pattern.²⁶ Moreover, without authorisation, he raised the question in the Cape Parliament when he opened the 1859 session. The Easterners,

²³Report of the proceedings in the Legislative Council on the subject of a separate government for the Eastern Province, p. 23.

²⁴P.P. XLV (216), pp. 31-33. Lytton to Grey, 6-9-1858.

²⁵P.P. XLV (216), p. 4 sqq. Grey to Lytton, 19-11-1858.

²⁶J. Rutherford, Sir George Grey, Chapter 28.

mindful of Sir Harry Smith's abortive suggestion before he left in 1852, saw in this a new opportunity for the Eastern Cape to have the best of both worlds, namely a separation on some kind of a provincial basis, but within the larger federal unit which would meet the problem of defence. It would seem moreover, that at the very point when Sir George Grey was discussing the question in the Free State in 1858, the Journal which had never liked the Convention of Bloemfontein had published its own proposals for a federation. There is no proof, but the many contacts between the 1820 settlers and the Free State made it possible that the editorial of 7 September 1858 had been inspired by a leakage of information from the Free State.

'The present condition of the Free State, the wish of the intelligent portion of the inhabitants to be re-annexed to the Cape Colony; the recent alteration made by the Home Government with reference to the control of British Kaffraria, the extension of territory to the eastwards of the Kei; the rapid advance of Natal; all these added to the growing importance and unwieldy extent of the Cape, evidence that a great political change is needed, in order to secure a sufficient control over these several dependencies, and to provide them with the necessary facilities to their due social and physical development. Such a change we are of opinion, will ere long be realised in a Federal union of the several provinces named.'²⁷

According to the plan of the Journal, there were to be three federal provinces : the Cape, the Eastern Province and Natal. The Cape would consist of the western districts named in the constitutional

²⁷G.T.J., 7-9-1858.

ordinance - an area of 90,000 square miles. The Eastern Province with an area of 65,000 square miles would be formed by the incorporation of British Kaffraria and the Orange Free State into the Eastern districts of the Cape. Thirdly the smallest province would be Natal stretching from the Kei and including Basutoland. Its area would be 40,000 square miles. The factors taken into consideration when making the divisions included geography and 'fiscal convenience'. Thus each province would have its own port. The structure of the central government would be a Convention consisting of the representatives from each colony, and which would meet annually to discuss intercolonial affairs and common problems. Each province would have its own governor, executive and single chamber legislature. Once again although the outline seemed suitable, there was no mention of the division of powers and to whom native policy would be entrusted. It was obvious though that as a plan initiated by a separatist organ, the provinces would be given as much authority to legislate as was possible under a federal system. In addition the East would be the centre of the federation because, in terms of the plan, the headquarters of the military would be in the central province and conveniently the commander of the forces would be the Governor-General. Thus the administration required to run the federal government would be in the Eastern Cape - in effect a removal of the seat of government. The convention itself would sit alternately in the several provinces.

In his opening speech to Parliament in March 1859, the Governor gave prominence to his federation scheme and asked for the opinion of the legislature on it. Independent of this he put the problem of British Kaffraria to them. If the Cape refused to allow the territory to be annexed to it, East London would be incorporated into Kaffraria

and the problem of customs duties would arise. In the Legislative Council on 6 April J.H. Wicht, a Western member, called for several documents on Kaffraria in order to find out more about the territory and its financial position before the Cape Parliament decided on the question. During the debate the President, Chief Justice Sir William Hodges, made a controversial speech on federation, though he was careful not to advocate it openly. George Clough, member for Grahamstown, moved in the lower House on 21 April that consequent upon the failure of the Lieutenant-Governorship and the difficulty of dealing with the native tribes both within and beyond the colonial frontier, resident government was required there. He, therefore, requested the Governor to consider these affairs and propose a solution. Solomon countered with an amendment for a Select Committee to investigate both the desirability of annexing British Kaffraria together with the question of separation. This was accepted. The debate had been characterised by the usual failure of the Eastern members to clarify their ideas, to study the implications of their words, and to understand the working discipline of a Parliament. Clough's approach was historical, a review of previous attempts to assert the needs and viewpoints of the East. But the examples he led were from the period before the Cape secured its parliament, and the then favourite formulae, namely removal of the seat of government or the creation of an effective Lieutenant-Governorship, were not relevant to the changed situation once Parliament had been established. Clough's efforts were to no avail. The Easterners would probably have been wiser to press for specific reforms in areas of government where the East had maximum agreement, and where the moderate Western members were open to change. In this way the legislature would have had concrete proposals for the executive to consider and probably

act upon. The grievances of the East were not fictitious but their remedies were visionary. They aroused the maximum opposition and, therefore, achieved negligible results.

On 28 April the Committee on British Kaffraria and Frontier Government was appointed.²⁸ It consisted of ten members plus Solomon as chairman. The evidence given by the majority of Eastern parliamentarians was hardly less vague than Pote's motion. Clough was ill at ease in discussing separation in practical terms and his failure to realise the full implications of federation was evident. For example, his plan made no provision for a federal assembly and he failed to consider the rivalry which a two state federation would cause. In fact he declared he had never heard of a two state federation.²⁹ He would only accept a three state federation as a last resort. It was clearly more separation than federation which he envisaged; for the colonies were each to have full powers except those of declaration of war and peace which would be the prerogative of the Governor-in-Council. The members of this body would be the Governor (who was also Commander in Chief and High Commissioner) and the five executive officers specified in clause 79 of the Cape of Good Hope Constitutional Ordinance (G. Eybers, Select Constitutional Documents Illustrating South African History 1795-1910, p. 52). Though the ordinance defined the function of the executive committee in relation to the Cape Parliament, Clough's proposals would have left them presiding in a

²⁸The members were G. Clough (Grahamstown), C. Scanlen (Cradock), T.H. Bowker (Victoria East), H. Loedolff (Malmesbury), J. Philip (Port Elizabeth), J. Moltano (Beaufort), R. Painter (Fort Beaufort), W. Harries (Port Elizabeth), J. Ziervogel (Graaff-Reinet), S. Solomon (Cape Town) and the Attorney-General, W. Porter.

²⁹V & P (H of A) 1859, Appendix II. Report of the Select Committee on British Kaffraria and Frontier Government, p. 9.

political vacuum. For the five executive officers enumerated in clause 79 were heads of administrative departments, entitled to sit but not vote in the Cape Parliament. Clough's proposals ignored both the need to create parallel and equivalent bureaucratic structures, and the question of how an executive council should function in relation to two separate parliamentary structures such as Clough had designed. Clough's plan would have necessitated two Governors and a Governor-General, the former each with his own council, the latter superior to both, but with no function other than representing the Crown in the exercise of its prerogative powers.

The failure of the Committee to arrive at any conclusion as to federation or separation was evident from the outset but its benefit lay in the fact that public attention was once again focused on separation. The appearance of Godlonton's Notes on the Separation of the Eastern from the Western Province and Concession to the former of its own Local Governments, early in 1860 also spurred on the East. Though written primarily for the information of British political circles, this work was avidly read in the Frontier districts for Robert Godlonton, once editor, and still proprietor of the Journal, was highly regarded and frequently consulted. By June 1860 moves were afoot in the press³⁰ and in Parliament to re-awaken public opinion. In 1860 the threat of a proposed duty on wool, had startled the Midlanders out of their complacency. Counting on their support, the so-called frontier group introduced a motion into the House of Assembly. On 7 June R.J. Painter³¹ of Fort Beaufort made the first

³⁰G.T.J., 12-6-1860.

³¹R.J. Painter sat for Fort Beaufort (1854-61) and for Somerset East (1864-5). Later he entered the upper House to represent the Eastern Districts 1866-8.

move. He made twelve clear assertions in which he outlined the history of the separatist agitation and the grievances felt by the East. His plea was for a 'separate and independent Government' in the Eastern Province. With great subtlety, Saul Solomon moved an amendment in support of separation provided the Eastern Cape was in complete agreement. He then dissected the claims of Painter, and in the process aggravated the tendency of the Eastern front to split. He pointed out that the arguments used by Painter had all been before 1854, at a time of frontier danger, and before the great advances in communications. As for the favourable trade statistics in the East, this, according to Solomon, merely confirmed his own opinion that the East was flourishing under the present constitution. His most telling case was that the frontier population had not expressed a desire for separation. In support of this, he cited the views of several Eastern members before the Committee of the previous session. They had all felt that the public was wary of separation and had not firmly decided on it. W.M. Harries had on 12 May gone so far as to state categorically - 'The total and entire separation of the Eastern Province, or any portion thereof, from the Western Province...would be in opposition to the wishes and opinions of a large majority of the colonists in both provinces.'³² He did, however, in Committee on 8 June withdraw this telling statement. During the debate there was reluctance among Midland members as well as a few frontier ones to commit themselves without reference to their constituents. On a division Solomon's amendment for separation when a united East asked for it, was passed by 29 votes to 14. The opposition consisted of

³²V & P (H of A) 1859, Appendix II. Report of the Select Committee on British Kaffraria and Frontier Government, p. viii.

members from the frontier but of the 29, nine were Eastern members and thus the unanimity of the Eastern Province on the issue could not be claimed. The Midland grouping of Albert, Uitenhage, Graaff-Reinet, Colesberg and Port Elizabeth sided with the West.

On 4 July another contentious issue came up for debate.

Molteno moved that the House approve the Report on Table Bay Harbour Improvements. In view of the bad financial state of the Colony, which had prompted Rawson's³³ move to impose an export tax on wool, this vote was opposed by the East. The previous day Molteno had succeeded in carrying a vote for a loan of £200,000 on the general revenue, for the Breakwater. He was impatient to follow up this success, and he had the support of the Governor, Sir George Grey. On this occasion Molteno did not succeed however because both F.H. Hopley of Albert and C.L. Stretch³⁴ of Port Elizabeth swung their votes back to the Eastern bloc. The attitude of Hopley is particularly interesting for he usually voted with the Midlanders and was anti-separatist. The vote was significant because the Midlands and Frontier had made a united stand for delay until financial recovery. Undeterred, the West with the connivance of the Executive re-introduced the subject on 10 July after the departure of several Eastern Province members, and in Committee succeeded in authorising the work. This flouting

³³Rawson. W. Rawson was Colonial Secretary at the Cape (1854-64). He had served previously in Canada and Mauritius, and later became a Governor in the West Indies.

³⁴F.H. Hopley was a member for Albert for 18 years including most of the representative government period.

C.L. Stretch arrived at the Cape in 1818 as an officer. He became a military surveyor, and later from 1836 to 1846 he held the important post of Diplomatic Agent with the tribe of the Gaika. He represented Fort Beaufort (1854-8), Port Elizabeth (1860-3) and later sat in the upper House.

of Eastern opinion gave the impetus for the organisation of a concerted drive for separation. As soon as the news reached Grahamstown the Journal poured out its vitriol-

'The Western lust of money and power is as insatiable as it is unscrupulous, and if the Eastern Province does not seek Separation before the revenue of the whole Colony is pledged for Capetown 'improvements', it will be because the apathy of political servitude has blinded the eyes and deadened the faculties of men alive enough in other respects to their best interests'.³⁵

The time had come, said the Journal, to clutch onto separation and end the vacillation between federation and separation.

A meeting of approximately 340 Port Elizabeth residents was held on 12 October with J.H. Clark in the chair.³⁶ Among the resolutions passed was one forming a steering committee to organise an Eastern Province Separation League throughout the Province to promote the ideal of separation. A general subscription was to be raised to finance the venture. W.M. Harries, the former federalist, was the main speaker and he denounced in the strongest terms the neglect of the Eastern Province. The mood was infectious and a mammoth Grahamstown meeting of over a thousand people on 17 October affirmed its support for separation, and solidarity with the Bay. A branch of the League was established and a call for funds was made. A deputation of Harries, Dr. W. Way³⁷ and H. Pearson³⁸ attended as Port Elizabeth

³⁵G.T.J., 24-7-1860.

³⁶G.T.J., 22-9-1860.

³⁷W. Way had formerly been Emigration Agent for the Cape in London. He was elected for Albert in 1863 but resigned before taking up his seat.

³⁸H. Pearson was a prominent Port Elizabeth businessman and long an advocate of responsible government. He represented Port Elizabeth for 23 years (1870-3 and 1880-93) during which time he acted briefly as

was to be the seat of the Central Committee. This was as Harries wrote to Godlonton 'not with a view of self-exaltion but as a stroke of policy because it was the general opinion that we might possess more influence or be able to "work the oracle" better with what might be the recusant Districts in the North'.³⁹

Dr. Way was engaged as permanent General Secretary at a salary of £500 per annum and the framework of the organisation appeared. An office was hired for the Central Committee and letterheads were printed. The subscription was settled at not less than one shilling a year but one guinea would entitle the donor to a seat on the General Committee of the District. At a meeting of the Central Committee on 24 October it was decided, in addition to the general subscription entitled the Separation League Fund, there would also be a Guarantee Fund. No call was to be made on the latter until the former reached £5000 or if the financial requirements of the League could not be met. Meetings at which branches were formed were held all over the province. Before the end of the year Cradock, Uitenhage, Fort Beaufort, Bathurst, Queenstown, Salem, Alice, Alexandria, Stockenstrom, Bedford and Lady Grey had all joined the movement. Circular letters were issued from Port Elizabeth to the various branches and subscriptions were called for. At the outset there was much consultation between Port Elizabeth and Grahamstown. Delegates were despatched from the branches to raise the cry at more remote areas by calling meetings and explaining the aims of the League. Not content with organising local support, Harries as Chairman wrote to Godlonton asking him to arrange a Committee

Treasurer and Secretary during parts of the first and second Sprigg ministries respectively.

³⁹W.M. Harries to Godlonton 17-11-1860. Wits.

of Eastern Province gentlemen abroad including Greathead, Wood, Jarvis and Paterson to pressure the Colonial Secretary.⁴⁰

The object of the League was to co-ordinate and unify the Province and thereby disprove Solomon's sarcasm about Eastern disunity.⁴¹ Its work was not with the 'converted' of the Frontier but those burghers of the northern districts who at the very mention of Grahamstown support for separation, would oppose it. The League attempted to mitigate this by placing Port Elizabeth at the vanguard of the movement. It was a wise decision in view of the commercial importance of the seaport to these divisions. The evidence before the 1859 Committee given by Eastern Members revealed this clearly. The whole notion of the Midland interest group as initiated by John Paterson and moulded by Ziervogel depended on Port Elizabeth's inclusion in it. Now the latter was unreservedly advocating a two province separation; a fact which the northern districts would have to weigh up before rejecting separation outright. The League attempted to achieve its aims in two ways : by public meetings in the north and by the publication of their arguments both in English and the local patois spoken by the Dutch Boers. Apart from Western Province opposition, the movement had to face the complications caused by the Midlands. Led by Ziervogel and Meintjes they remained intransigent against a two province separation. But they were affected by the movement and at a private meeting of prominent Graaff-Reinet boers in November, a decision was reached to call for a three province division in which the Midlands from Port Elizabeth to

⁴⁰W.M. Harries to Godlonton, 17-11-1860. Wits.

⁴¹Catechism of the Eastern Province Separation League, p. 10, Question 24.

Hopetown would have a separate government situated at Uitenhage.⁴²

This was clearly as a bid to gain Port Elizabeth support and to win it away from the Grahamstown two province suggestion. J.J. Meintjes was dispatched to the Bay in an attempt to achieve it and explain the Midland viewpoint. On hearing this the Grahamstown Branch of the League deputed Messrs. H. Blaine and W.R. Thompson to wait on him as he stopped over en route to the coast. The conversation was interesting for it revealed in a nutshell the entire Midland case.⁴³

Meintjes spoke of the inefficiency of Parliament and the need for separation but in the event he feared that the frontier districts, by preponderance of population, would have a majority in the Eastern legislature. He raised the point of trade and how political influence followed it. Here Port Elizabeth was important for it had commercial links with both Graaff-Reinet and Midland, as well as Grahamstown and Frontier, although the two inland groups did not trade with one another. Therefore, in Meintjes' view, the basis for political relations was non-existent and there was no sympathy between them. As a compromise Blaine⁴⁴ had offered equality of representation to the Midlands in a new legislature, a point which Meintjes thought worthy of consideration. In Port Elizabeth Meintjes expounded his party's views before the Central Committee of the League but to no avail as the following resolution showed -

'That in the opinion of this Committee the proposal for the formation of a Midland Province said to have been recommended by

⁴² G.R.H., 3-11-1860.

⁴³ G.T.J., 4-12-1860.

⁴⁴ H. Blaine was a prominent Grahamstown merchant and member of the Board of Commissioners.



Messrs. Ziervogel and Meintjes of Graaff-Reinet, is opposed to the best interests of the Eastern Province.⁴⁵

With no thought of compromise in mind the Central Committee accelerated its pace. The first major attempt to win over the Northern Cape came with a public meeting at Colesberg early in January 1861.⁴⁶ Both the Central Committee and the Cradock Branch had sent representatives. The Chair was taken by an anti-separatist, a brother of Honourable L. von Maltitz⁴⁷ and from the outset the meeting was rowdy and there were rather unpleasant personal attacks on individuals. The separatists spoke out of the need for 'resident government' in the East as a result of Western neglect of the area. The opponents of separation had turned out in force and included N.H. Theunissen and P.J.A. Watermeyer,⁴⁸ the members of Parliament for the Colesberg division, as well as Von Maltitz of the Legislative Council. All three violently denounced separation giving as reasons that the troops would be withdrawn and that their fortunes would rest in Frontier hands. The racial question of Dutch versus English also appeared and was used by Von Maltitz to stir up the audience of over three hundred. The call for more details of their proposed separation was made to the separatists but in anticipation of a conference of

⁴⁵G.T.J., 15-12-1860.

⁴⁶G.R.H., 5-1-1861.

⁴⁷L. von Maltitz represented Colesberg in the House of Assembly (1854-8 and 1864) and the East in the Legislative Council (1859-63). He was a prominent sheep farmer and fully represented the views of his constituents in the northern districts.

⁴⁸N. Theunissen was M.L.A. for Colesberg (1859-63 and 1869-73) and for Richmond (1866-8).

P.J.A. Watermeyer represented the same two divisions alternately over a period of 27 years. Both were anti-separatist and were members of the Midland group.

delegates they were unwilling to be specific. The meeting finally ended in confusion with a vote against separation. This failure only served to spur on the League and the lesson the Cradock News drew from it, was that they must go out and convince the ordinary people. A branch committee, all English-speaking, was formed in Colesberg and similarly at Burghersdorp after a meeting there. The Albert meeting had been farcical for although D.J.E. Botma M.L.A.⁴⁹ spoke in favour of separation, his colleague, F. Hopley, and the anti-separatists seceded from the meeting and held a rival meeting outside.

In addition to holding public meetings and forming local continuation committees, the League also made use of the press and propaganda literature. Thus The Catechism of the Eastern Province Separation League was published in Port Elizabeth and copies distributed throughout the Eastern Cape. It consisted of twenty six questions and answers both in English and Dutch though the latter was badly written. In simple language it explained the purpose of the Separation League and expanded on Eastern grievances especially the vast public works in the West while Eastern roads and rivers were neglected. For effectiveness though it could not match the Cradock venture in publishing the Zamenspraak Tusschen Klaas Waarzegger en Jan Twyfelaar over het onderwerp van afscheiding Tusschen de Oostelyke en Westelyke Provincie. The parliamentary seat of both Charles Scanlen⁵⁰ and W.M. Harries, Cradock was violently pro-separation.

⁴⁹D.J.E. Botma represented Albert (1860-2 and 1864). Politically opposite to Hopley, he supported separation.

⁵⁰C. Scanlen, an 1820 settler, represented Cradock in the lower House from 1856 to 1868.

In addition J.R. Kidd, J.S. Bold and L.H. Meurant were residents of the town.⁵¹ Meurant anonymously wrote the dialogues which were then printed in the Cradock News which explained -

'They are written for the purpose of enlightening the ignorant Dutch farmers of the interior on the merits of the question, and are reported to have had an immense influence among those for whom they were intended. They exhibit a great amount of information and sound reasoning and are written in a vein of humour and with a degree of wit which has obtained for Klaas Waarzegger's writings a colonial reputation and have secured for them readers among all classes of the community who can understand the language. We are glad to learn that they are likely to be republished in a pamphlet form.'⁵²

This comment was no exaggeration for the local flavour and emphasis on common doubts and prejudices appealed to the Dutch farmers. A first edition of 1,500 copies was sold at once and a similar number was printed to meet the demand.⁵³ Working on this interest, a decision was reached to start a Dutch newspaper advocating separation. Thus Het Cradocksche Nieuwsblad appeared on 12 January 1861 and further utterances of Klaas Waarzegger appeared in its subsequent editions. Cradock had firmly established itself as the

⁵¹J.R. Kidd, also a settler, had been appointed a Government Agent to the Kaffirs after the 1835 War. He was a prominent and well respected frontiersman. J.S. Bold was Editor of the Cradock News. L.H. Meurant was a veteran editor and founder of the Grahams-town Journal. He was until 1882 Civil Commissioner at various centres in the Cape including Kat River (1853-9), Cradock (1859-64) and Port Beaufort (1864-74).

⁵²G.N., 19-2-1861.

⁵³W. Way to Godlonton, 13-2-1861. Wits.

'missionary' outpost of the movement and especially with Meurant's talents it was winning over converts rapidly. Although the level of the language and argument was simple it had the desired effect. A branch of the League was even formed in Graaff-Reinet and another in the Wheatlands district in March 1861. This success was largely due to Carey Hobson⁵⁴ who had held a meeting there the previous month.

It is true that during the anti-convict agitation, the Eastern Cape had joined in the general outcry and this may be considered as the first truly political agitation in the Cape. But though the East had tended to diverge and follow the lead of Godlonton and Cock in support of Sir Harry Smith in later phases of the movement,⁵⁵ it had never before attempted to develop a political organisation.

Now that the foundations had been laid, the Separation League had to prepare plans for the coming session. Unanimity was essential if anything at all was to be achieved. The Central Committee appointed sub-committees to go thoroughly into the following questions :
geographical and electoral divisions; the colonial debt and frontier police; tariff and customs arrangements; postal arrangements; the appointment of the Government, Executive Council and the question of responsible government. Their findings would be laid before the Convention of Delegates to be held at Somerset in mid-February. The League addressed a circular to each of the members for the Eastern Cape asking for their opinions on certain issues relative to separation,

⁵⁴W.C. Hobson was a prominent sheep farmer in the Zwarttruggens district of Graaff-Reinet. He was a respected 1820 settler and died on his way to the 1870 Jubilee.

⁵⁵Le Cordeur, pp. 18-20, 83.

and the Central Committee urged the Branches to ensure that their representatives complied. Apart from the recalcitrant Graaff-Reinet and Colesberg members, only Stephen Mundy was unwilling to reply or commit himself, an action which was to result in a Grahamstown requisition for his resignation in March. In addition motions condemning the action of Von Maltitz, Theunissen and P.J.A. Watermeyer were passed by the League.

It was unfortunate that at this vital juncture, even before the Convention met in February, local rivalries should have arisen to impair the efficiency of the League and its hopes of success. The correspondence between Dr. Way, the League Secretary, and Godlonton who was still in England, revealed the frustration of the League's executive.⁵⁶ Way complained bitterly about the lack of co-operation from Grahamstown and its refusal to help finance the operations of the League. This latter point was particularly important for the cost of the literature, the central office of the League and the salary of the Secretary were only some of the demands on the League's funds. Way felt the local committees were not entrusting to the Central Committee the money they raised locally and here Grahamstown was the prime offender. Three circulars had been sent out asking for statements of revenue and expenditure, and for contributions towards the general administration of the League but with little success. The antipathy of Grahamstown, he asserted, was because they felt that in the fight for the seat of government, Port Elizabeth would plumb for Uitenhage. According to Way, 'attempts have been made by the press of Graham's Town, both the Journal and the Frontier Times to create distrust with regard to the meeting....They are

⁵⁶W. Way to Godlonton, 13-2-1861. Wits.

afraid that the delegates will discuss the question of the Seat of Government' to which he added 'I cannot but feel that if the views of different sections of the community are dependant upon such a circumstance and their advocacy of a Separate Government depends on such a condition; then they have no real interests in the matter and deserve to suffer all the wrongs they have so long submitted to.'⁵⁷

The Grahamstown clique was being short-sighted if this in fact was its standpoint and it does appear as if Grahamstown resented the centre of activities being in Port Elizabeth.⁵⁸ In the absence of sufficient financial backing the Central Committee was forced to curtail its activities and the new Dutch newspaper in Cradock found itself in dire straits. A venture in the form of another dialogue entitled Waarheid planned by Meurant was cut down from 2,000 copies to a few hundred. In a later letter Dr. Way informed Godlonton that £100 had been tardily delivered by the Grahamstown Committee and thus he was asked to raise funds overseas among Eastern Cape merchants there.⁵⁹

The two immediate issues employed in the campaign to win over the North were the proposed export duty on wool and the Table Bay Breakwater. This is borne out by the emphasis put on them in the Zamenspraak series of propaganda articles. The general argument that the Western-dominated Parliament taxed the East to pay for Western public works became more alive when the single issue of a possible tax on wool exports brought the issue home to the sheep-farmers. With the onset of the drought and the gradual depression, they were

⁵⁷ Ibid.

⁵⁸ T.H. Bowker to Godlonton, 18-2-1861. Wits.

⁵⁹ W.A. Way to Godlonton, 16-3-1861. Wits.

not prepared to tolerate additional taxation at all, let alone a tax which seemed aimed at them specifically. What the separatists did not mention and the farmers did not often realise was that in the face of Western as well as Eastern opposition, the wool tax proposal had been hastily withdrawn by Rawson, the Colonial Secretary. But Klaas Waarzegger hinted that it could happen again and, in any case, why was there no proposed tax on wine, the Western export? He concluded that it was obviously a discriminatory measure against the East because of her hard-earned prosperity. The theme of Western greed was expanded when the separatists discussed the Table Bay Breakwater. The loan sanctioned for it by Parliament was £200,000 and was floated under the guarantee of the general revenue. In fact the interest of £12,000 per annum was to be paid from the wharfage dues (totalling £20,000 per annum) which would in addition help pay back the capital amount of the debt. The cost would, therefore, fall on the consumers, the majority of whom lived in the Western Cape. But Klaas would take great delight in informing Jan Twyfelaar that his farm along with others was mortgaged to pay for this debt incurred by the West and for their sole benefit. The cost of the Cape Town-Wellington railway was also a sore point.

The geographical remoteness of Cape Town, the seat of government, was a more valid argument for separation. It had existed since 1820 at least and had been commented on by Governors, Secretaries of State and by the Commission of Enquiry. The overcentralization of public offices in Cape Town was repeatedly stressed by Easterners and moves for a deeds registry and a Road Board in the East were constantly made but without success. Common complaints from the Civil Commissioners concerned the delay in the despatch of correspondence from Cape Town and their felt need to be empowered to decide

everyday matters without reference to Cape Town. A letter from the Civil Commissioner of Port Elizabeth to Richard Southey, Secretary to the Lieutenant-Governor revealed some of these tribulations,

'People complain bitterly in the delay they experience in getting paid their just claims. Requisitions are upwards of six weeks before authority is received to pay them. The Secretary of the Immigration Board and Mr. Davies who renders clerical assistance in my office have not received their July salary. The half year's stationery and the Police Clothing have not shown up, the last time the latter was received it was moth-eaten and on my representing such I was told they had been lying in the Colonial Engineer's office so long and that was the cause, all these matters require remedying and which I think is exceedingly easy of being accomplished. Why can't I pay all salaries on the 1st of the month.'⁶⁰

The Eastern Cape, which was expanding its area and diversifying its economy, found it increasingly hard to tolerate irritations like those outlined to Southey. Even a Lieutenant-Governor with a reasonably autonomous establishment at Grahamstown would help to remedy this. The feeling that the East was paying for Western public works though given more force by the Breakwater vote had long been the cause of a general agitation. In the 1840's agitation had been directed against Montagu and his Central Road Board. Young, the vigorous but short-lived Lieutenant-Governor, had taken up the neglect of Eastern roads as part of his campaign for a separate government for the Eastern Districts.⁶¹ Grahamstown had felt the removal of convicts

⁶⁰J. Campbell to R. Southey, 25-9-1860. Southey Papers.

⁶¹Pottinger-Young Correspondence.

from the Howieson's Poort works to Cradock's Kloof and Montagu Pass as further evidence of this disregard of local needs. In fact the Central Road Board at its first meeting on 7 December 1843 had made the improvement of communications between the East and West its primary task and Dr. Stanger had been commissioned to survey the route.⁶² It was natural that at the outset, much of the road should be expended in the West, and Breitenbach exonerates the Board completely from any Western bias during the period 1843-53.⁶³ Under representative government the East continued to complain of the bad roads to the interior, the lack of bridges and the inadequate harbour facilities on their side of the Colony. The opening of the Cape Town-Wellington railway in 1862 provided yet another stalking horse for the East, and the clamour for rail communications in the Eastern Districts, was added to the recitative of the East which persisted in regarding itself as under-privileged. Finally, the creation of a public debt to finance projects in which the East had but a minor share was complained of.

One need only look at the Ziervogel sponsored Eenheid Tegen Afscheiding to find the arguments advanced by the opposition, chiefly by the Midlanders. This publication sought to point out the uneasy alliance of the separatists which owed its existence merely to the Breakwater and wool tax issues. The largely unfounded but nevertheless deep seated distrust of Grahamstown by the Midlands was revealed as the motivating force behind the anti-separatism. In the event of

⁶²J.J. Breitenbach, The Development of the Secretaryship to the Government at the Cape of Good Hope under John Montagu, 1843-53, p. 236.

⁶³Ibid., p. 249.

separation it was feared that Grahamstown centralization would be worse than that of Cape Town. There should be no fear of the frontier because the Cape Parliament had voted sufficient funds for the purpose of defence and in any case there had been no disturbance for a decade. The economic non-viability of a separate Eastern Province was also stated as was the difficulty of apportioning customs duties from the main Eastern port, Algoa Bay. Other propagandist arguments which attempted to stir up the racial question were that the Government was to press Dutch burghers into the army, and that the English of the East had refused to help the Free State Boers against Moshesh. This latter point was printed in Pasop vir de slang in het gras, a scurrilous pamphlet which was quoted at the Colesberg separation meeting. Calling the new English immigrants 'fortune-seekers', it accused them of trying to force the Boers off the land. The rumour that the Dutch testamentary law and the rights of the Dutch Church were to be altered was spread among a population which in the main could not read English and, therefore, relied on Dutch publications. It was to rectify this position that both the Zamenspraak and Het Cradocksche Nieuwsblad were begun.

This was part of the prevailing atmosphere when the delegates met at Somerset from 20 - 22 February 1861. The central committee had decided which branches might send two delegates, and which send only one.⁶⁴ In fact twenty-four delegates representing eighteen branches attended. Seven sent no representatives, but W.M. Harries, C.L. Stretch and R.J. Painter were deputed by two places each. Harries sat for Colesberg and Port Elizabeth, Stretch for Colesberg

⁶⁴See Appendix 3 and map.

and Somerset, and Painter for Fort Beaufort and the Winterberg. Most of the delegates were men well known for their interest in public affairs. There were six members of the House of Assembly,⁶⁵ as well as Harries and Henry Tucker, soon to be elected to the lower and upper Houses respectively. In addition there were several Dutch delegates, namely S.J. Hartman J.P. (Alice), L.J. Wepenaar J.P. (Aliwal North), J.I. van Aardt J.P. (Stockenstrom), H.J. Moolman (Humansdorp), C.C. Cloete J.P. (Lady Grey) and both E. van Reenen J.P. and D.J. Aspeling N.L.A. from Uitenhage. After an unanimous election of Harries to the Chair, the Secretary read the Address of the Central Committee. The major point of emphasis was that - 'the Committee would desire to impress upon the Delegates, that the meeting is essentially a conference of members of the League and the friends of Separation.... The introduction, therefore, of questions affecting local interests or general principles of Government, the consideration of which falls solely within the province of a legislative body, the Committee regard as foreign to the purposes of the League, incapable of leading to any practical results, and calculated seriously to detract from the usefulness of your deliberations.'⁶⁶

Clearly this was a warning not to introduce any matter which was likely to be contentious and which would disturb the outward united facade of the League. The only occasion on which this was forgotten was when Harries and Painter clashed over the location of

⁶⁵C.L. Stretch (Fort Elizabeth), R.J. Painter (Fort Beaufort), J. McMaster (Fort Beaufort), D.J. Aspeling (Uitenhage), R.M. Bowker (Somerset East), C. Scanlen (Cradock).

⁶⁶Minutes of Proceedings of the Meeting of Delegates of the Eastern Province Separation League, p. 3.

the seat of government, the point at issue being who should have power to decide the matter. This was soon papered over by both withdrawing their proposals. The central committee had decided in advance the three major issues on which discussion should centre. They were the boundary line of the proposed new Eastern government; the question of the Colonial Debt and the Frontier Armed and Mounted Police; the question of tariff and customs arrangements. Together with the selection of the seat of government these topics were considered of prime importance. However, any discussion of the capital was studiously avoided. Clearly the conference had been carefully planned and was designed to secure the maximum agreement on points of common interest. Though it was unfortunate that Harries and Painter raised the question of the seat of government, the Chairman kept full control, and this problem-filled issue was not raised again. Almost all the decisions were adopted unanimously. The existing boundary line between West and East was kept, while it was agreed to ask the Western districts to contribute £25,000 per annum as their share of the frontier defence costs. However, it was resolved in turn that the East should not pay anything towards the Breakwater and the Wellington railway as they were of purely local Western benefit. At that juncture they did not favour railway development. They determined to make full use of their chief asset, crown lands, as a weapon with which to forward the cause of separation. Late and widespread European settlement in the eastern areas of the Cape meant there was more crown land available for sale in that province than in the West.

In fact Uitenhage had already made its protest and the Divisional Council of which J.C. Chase was a long-standing member had

carried a motion in July 1860 stopping such sales of land.⁶⁷ In the previous ten years £31,409 had been received from sales of Crown lands in the division of Uitenhage. None had been given back for local improvements. This probably lies behind the strategy of the next motion which was proposed by H.J. Moolman and seconded by J.J. van Aardt. It was suggested that Divisional Councils should be asked to refuse recommending any applications for the sale of crown lands until separation had been gained. It is an interesting feature of local government in the Cape that Divisional Councils usually kept in touch with one another and there was much conference and co-operation across the country in this way. The motion of the Convention was not only passed but acted upon as well. By 1864 Cradock, Colesberg, Albany, Queenstown, Fort Beaufort and Somerset had followed Uitenhage's example.

When agreement had been reached on a number of issues which might otherwise have divided the common front, there remained the question of procedure for the forthcoming session. The alternatives were these. They could proceed by petition which would embody the resolutions, or they could prepare a short Bill.⁶⁸ In January when a Grahamstown deputation had waited upon Sir George Grey, the Governor had advised that they proceed by Bill, and put a short measure before the legislature. The Convention decided to follow this advice and J. Ayliff,⁶⁹ one of the Grahamstown delegates, brought forward such

⁶⁷W.S.J. Sellick, Uitenhage Past and Present, p. 98. Also: H. Bowker to Godlonton, 20-6-1860. Wits.

⁶⁸H. Hudson to R. Southey, 20-2-1861. Southey Papers.

⁶⁹Jonathan Ayliff represented Victoria East for the periods 1864-6 and 1879-85. He served as Colonial Secretary 1884-5.

a Bill for general discussion. He made provision for a Commission of five under the presidency of the Chief Justice, the others to be two representatives each of the Western and Eastern Districts, with full power and authority to draw up the new constitution for the Eastern Province. The four members were to be elected on the same basis as the members of the Legislative Council. It was at this point that Harries and Pearson, both Port Elizabeth delegates, moved 'That a clause be inserted in the bill authorising the Commission to decide upon the question of the Seat of Government in the Eastern Province.'⁷⁰ Fearing that this would be detrimental to the Frontier interest because of the prevailing feeling against Grahamstown, Painter and Tucker were quick to move an amendment leaving it to the Crown. Before the issue could be debated the parties realised they were breaking the self-imposed truce and both resolution and amendment were withdrawn. Resolution 27 was of interest in view of the subsequent behaviour of the Eastern members. It delegated the representatives in Parliament to adopt obstruction in the event of separation being refused. Only measures necessary to the government of the country would be allowed through and these at the discretion of the Eastern Members.

The impression gained by the Convention by an outsider was that of sound and well prepared organisation as well as of a unanimity and earnestness among the delegates. Even Easterners were surprised at the apparent decision to press heart and soul for separation. Some who a month before had been among its opponents, for example

⁷⁰ Minutes of Proceedings of the Meeting of Delegates of the Eastern Province Separation League, p. 11.

Stretch,⁷¹ now were fired with enthusiasm. Already by November 1860 the Argus⁷² had recognised the gravity of the situation and when the dividing issue of the seat of government had been side-stepped by the Convention, then the western press as a whole viewed the position with concern - it had been the standard tactic of the West to divide the East on the question of the capital. The separatists had not risen to the bait. That it had not done so, was not due to any sudden new unanimity on the point, but to the skill with which the whole Convention and its Agenda had been prepared by Dr. Way. Attitudes had not changed. Under the surface the old Grahamstown-led Frontier districts were concerned over the possible new seat of government. Regarding themselves as entitled to it by virtue of having been the seat of previous Eastern Districts executives, they were loath to let it out of their hands. In a letter to Godlonton on 19 March, Dr. Way explained how the Central Committee had felt that, should Grahamstown abandon her pretensions to be the capital, the northern districts would join in the move for separation. However, Grahamstown refused to stand back. Port Elizabeth's loyalty to the movement was contrasted favourably for, as Way put it, 'Had Port Elizabeth acted a selfish or interested part, she might have thrown herself into the hands of the northern districts with which her interests are more immediately connected, in advocating a midland Province and a Federal Union...Uitenhage would of course have become the seat of Govt of the midland province,

⁷¹H. Hudson to R. Southey, 20-2-1861. Southey Papers.

⁷²G.R.H., 10-11-1860 quoting the Argus.

whilst Graham's Town would have become a border town of the Frontier province.⁷³ His earlier assertions were borne out by a letter from James Richards to his step-father, Godlonton, written at Port Elizabeth where he was part-proprietor of the Herald. 'I have my fears about my native town [Grahamstown] becoming the seat of government. All here are in favour of Uitenhage and they seem to think that this question should be left to the representatives of the new Parliament the majority of course to "win the day" - And for this reason I am inclined to think that the fact of Graaff-Reinet remaining aloof will favour Grahamstown. If she joins, Uitenhage will in all probability have a preponderance of votes.'⁷⁴

The Convention ended on 22 February and Parliament was due to meet on 26 April. In the interim there were several meetings which exposed the flank of the movement. The most important one was in Grahamstown, called to demand the resignation of Stephen Mundy. That one of their Members should be able to vote with the Midlands against separation in defiance of his constituents infuriated many of the citizens. Ironically, Mundy's only supporter was Pote, not so much because he supported Mundy, as because he believed it to be an invasion of the representative principle. The voters of the city had elected Mundy knowing full well his views and now they would have to accept the consequences. The League's attempt to hold a briefing session for all Eastern Members before they left for Cape Town did not succeed. Moreover only seven Members of the lower House and two in the upper managed to arrive in time for the opening

⁷³W. Way to Godlonton, 19-3-1861. Wits.

⁷⁴J. Richards to Godlonton, 18-2-1861. Wits.

of the session.

Fortunately the situation was in part retrieved by the efficiency of the League. Part of an hotel at 35 Plein Street was converted into the office of the Parliamentary Committee of the League and became the daily meeting place of the Eastern Members to discuss tactics and prepare their course of action. The Kennel as it was called by Westerners gave the Members 'a local habitation and a name,'⁷⁵ and ensured that there would not be a repetition of Pote's 1856 quixotic move. In his opening speech the Governor called for consideration of the existing constitution in the light of the agitation for separation. This was answered by Harries who expressed dissatisfaction at the way the Government was coping with the financial situation in particular. The scene was set for the separatists to bring forward their Bill but the usual late arrival of the Easterners delayed this for over three weeks. Meanwhile batches of petitions in favour of separation were laid before both Houses with very few against it.⁷⁶ The fact that the majority of the former were signed by people with English names whilst the latter were entirely from Dutch served to underline yet another factor making for division on the question of separation. It was clear that although the League had done some good work in the interior, Graaff-Reinet, Colesberg and a section of Albert refused to budge from their anti-separation stance. Harries introduced the Bill in the House of Assembly on 16 May and the second reading was set for 7 June. At this stage of the Bill's progress, the debate developed into a

⁷⁵T.H. Bowker to Godlonton, 18-2-1861. Wits.

⁷⁶See Appendix 4.

fierce and highly contentious one. Harries used Eastern Province grievances as his main line of attack and concentrated on the problem of frontier defence, the centralization of the public offices in Cape Town, the unequal revenue and expenditure of East and West, and the creation of a public debt. The facts and figures produced were incontestable and so the Westerners had to be content to exploit Eastern division and disunity as counter-argument. It is interesting to note that in fact the West let the Midlanders lead the attack and it was Ziervogel and P. Watermeyer who moved that the motion be read that day six months. They had to fall back on accusing the East of wanting to dominate the Midlands and here Ziervogel regarded Harries' offer to enfranchise Richmond and Murraysburg as a bribe. When the Eastern Members called on Solomon to redeem the undertaking he had given on separation if desired by the majority of the East, he needed only to point to the Midlands and their leaders in order to discount the evidence of the petitions in favour of separation. In an attempt to stave off the certain defeat of the Bill until it could be discussed and possibly passed in the Legislative Council where the balance was more favourable to the East, the diehards in the lower House resorted to delaying tactics. These were unsuccessful although R.M. and T.H. Bowker⁷⁷ won admiration for their feats of oratorical endurance. When the division was finally called on 11 June the Bill was lost 15-22. The minority consisted of J.H. Brand of Clanwilliam and fourteen Easterners while the majority comprised seventeen Westerners and five Midlanders.⁷⁸ Two Eastern representatives, namely

⁷⁷See p. 106 footnote 10

⁷⁸See Appendix 5.

J.C. Krog⁷⁹ and Mundy, both opponents of separation, abstained from voting. Attempts a week later to secure removal or a dissolution failed as well.

In the upper House Tucker moved the first reading of the Separation Bill on 27 May and immediately after J. Mosenthal⁸⁰ called for a Select Committee to report on the separatist petitions. The Reports of this committee were presented to the House on 4 and 10 June. Although they outlined clearly the arguments on both sides, they failed to produce a decision either way. Once again the West deputed a Midlander to open the battle for them. On this occasion Von Maltitz of Colesberg led the attack which came perilously close to being merely a personal defamation of the so-called Grahamstown clique. By contrast the Eastern case was convincingly argued with considerable restraint by Tucker and Mosenthal. Even the Westerner, P.E. de Roubaix, admitted the East had justifiable grievances although he thought separation was not the way to remedy them.

What De Roubaix proposed was the setting up of a Commission with equal representation for East and West to enquire into the whole situation. This was similar to Ayliff's proposal at the Convention, and should not have been spurned as mere evasive tactics. It was an error of judgement on the part of the East to reject the plan. By so doing, they alienated those Western moderates on whose votes the East must necessarily depend. Wicht intervened with some skill and moved that both the Bill and the petitions be referred to a Select

⁷⁹J.C. Krog was a member for Uitenhage 1854-63.

⁸⁰Joseph Mosenthal only sat in Parliament for 1861. He had emigrated from Hesse-Cassel and set up business in Graaff-Reinet in 1848. He established the famous countrywide commercial house carried on by his family, and introduced the Angora goat.

Committee. This was a mere attempt to side-track the issue and the separatists wisely refused it. Yet even this would have been preferable to the summary rejection the Bill received. The Bill in its original form was put to the vote on 6 July and lost by eight votes to three.

Once again any hopes of parliamentary approval for separation were dashed. The failure of the Bill disheartened the Easterners in the upper House. They had refused to compromise or bend at all when compromises had been attempted. The Bill would either stand or fall as it was. The rejection of De Roubaix's amendment was short-sighted and pig-headed, especially since all the Easterners were in their seats on that occasion and could have passed it. When it came to the final division, the separatists had no alternative : they had to fall back on their Bill. In addition the probable loss of the measure had caused three Eastern members, Mosenthal, Pote and S. Cawood to leave for home before the conclusion of the second reading. The hope that the Bill might be carried by the casting vote of the President, Sir William Hodges, failed because Von Maltitz grouped with the West. Thanks to Dr. Way, the Eastern 'party' was better organised, and the separatist case better presented than ever before. But unfortunately its members in Parliament adopted a far too rigid stance : it was as if the effort to find unity had killed flexibility. Other factors also came into play such as the ever present if muted problem of the seat of government, as well as the suspicion bordering on resentment at the position of Grahamstown. These issues had not been allowed to become overt but they seem to have conditioned reaction to other situations. Moreover it could be argued that the absence of Godlonton contributed to the failure. He alone of all the separatists

commanded general respect and might have been able to rally the front. Tucker, the leader in the upper House, was experiencing his first session in Parliament. Men like Joseph Cawood,⁸¹ Pote and Kennelly,⁸² domiciled for years in Grahamstown, were sceptical about Tucker's abilities, and possibly resentful. This was revealed when Pote and his colleagues disassociated themselves from the obstructionist tactics employed by Tucker. By the end of the session any semblance of unity fostered by the League had been destroyed, and particularly in the House of Assembly, Harries was unable to assert his leadership to turn the tide.

When the session closed on 14 August there was a most interesting series of debates and inquests in the press. At a public meeting in Grahamstown held to let Franklin address his constituents, the whole dispute was brought into the open. Pote and the moderates were blamed for deserting their posts while separation was still being fought for in Parliament. They retorted by accusing the obstructionists of extremism and of causing the ruin of the movement by their tactics. Debate was not of course confined to the Grahamstown press, and the sharpest point of debate was the question of obstruction. Cradock fervently supported the conduct of its representatives, Harries and Scanlen, and its 'man' in the upper House, Tucker. As its local newspaper wrote - 'there will be no Separation effected in a Cape Parliament until obstruction in every form and style is carried out.'⁸³

⁸¹J. Cawood was M.L.A. for Grahamstown (1855-58) and M.L.C. for the Eastern Divisions (1859-63).

⁸²D.H. Kennelly sat in the upper House for the East (1860-1 and 1866-73). He was a prominent Grahamstonian and one time Mayor.

⁸³C.N., 17-9-1861.

In contrast the Graaff-Reinet Herald which had faced the wrath of many of its readers for advocating separation felt itself obliged to oppose those who violated the principle of constitutional reform and embarked on a course of obstruction.⁸⁴ In Grahamstown the letters from Pote which appeared in the Journal during October explained his differences with Tucker over statistics, frontier defence and the areas to be included in a proposed Eastern Province government. On one point only did opposing camps find common ground, namely in recognition that the norther districts in the Midland grouping would have to be conciliated if any future measure for separation was to have any success at all. At a Separation Dinner in Grahamstown, Tucker echoing the sentiments of the Graaff-Reinet Herald a month earlier, advocated concession to the Midlands in order to achieve a modicum of support from there. This was supported unreservedly by Pote, but the Frontier press was a little wary of its implications. A call to the League to fill in the details of its separation plans, for example the seat of government and the basis of representation, was not answered. The truth was that the League had crumbled - its Central Committee had split, its financial position was parlous and its Secretary had resigned. At its anniversary meeting in Port Elizabeth there were only twenty-five people present. The return of Godlonton late in 1861 did restore some confidence especially when both Wood and Godlonton agreed to stand for the Legislative Council in April 1862. Unfortunately there was still acrimony in the air as Cradock which had already requisitioned Painter, criticised Grahamstown and the Journal for attempting to dominate the upper House. Even more

⁸⁴G.R.H., 13-7-1861.

so it accused that newspaper of performing 'the gyrations of the weathercock to such perfection and with such ease.'⁸⁵ It had decided since the return of Godlonton to advocate 'progress and separation' rather than 'separation and progress' which the true separatists still supported.

When Parliament met in April 1862 Sir Philip Wodehouse had replaced Sir George Grey as Governor and High Commissioner. Federation as a general policy had been dropped by the Colonial Office in London in 1859. Separation was not necessarily tied to this, but Grey's experience in New Zealand had made him sympathetic to local differences. Wodehouse⁸⁶ was familiar enough with the administration of Crown Colonies, but he had little patience with the niceties of politics and parliamentary procedure. To read his opening speech to the new parliament in January 1862 is to suspect moreover that he had been primed in advance by the Westerners. In the rather blunt conclusion of his remarks he stated, 'the advocates of separation have to some extent shrunk from encountering fairly the great difficulties involved in the execution of their scheme.'⁸⁷ He cited the apportionment of the public debt, frontier defence, distribution of customs duties and the public establishments as problems which had not been faced. An examination of the work of the League at Somerset suggests that the issues which he had enumerated had been considered well enough by the East, though they had not been thrashed out in Parliament.

⁸⁵C.N., 24-4-1862.

⁸⁶Sir Philip Wodehouse (1811-87) had served in Ceylon and British Honduras before becoming Governor of British Guiana in 1854. He held the Governorship of the Cape (1862-70) and later that of Bombay (1872-7).

⁸⁷V & P (L.C.) 1862, p. 8.

His attitude was not, however, entirely negative. He proposed that remedy should be found for specific Eastern grievances, such as the need for an Eastern Districts judiciary, and suggested that Parliament might on occasion be summoned to meet in the East.⁸⁸ Although Wodehouse was genuinely attempting to reduce tensions and meet Eastern needs, it is clear that he himself needed support for his British Kaffrarian plans. With the West unwilling to take on the added responsibility of this economically unsound colony, the Governor in order to achieve annexation would have to rely on the East. His motion to annexe Kaffraria was defeated on 30 June by a West-Midland grouping. On 1 July an attempt to gain approval for parliament to meet in alternate years in the West and East (which the press referred to as alternate parliaments), met the same fate. In the House of Assembly on 10 July Harries proposed his separation motion and supported it on conventional lines. In a small house of thirty-two members, it was defeated by seventeen votes to fifteen. The minority of 15 included three Westerners; of the 22 members for the Eastern Cape, only 12 voted for separation. Ziervogel, P.J.A. Watermeyer and F.S. Watermeyer opposed it; H.B. Darnell, Botma and Hopley had been granted leave of absence for the session; while Mundy, Stanton⁸⁹ and Theunissen were missing when the division was called. In the Legislative Council with a full attendance Tucker's resolution for separation was defeated by Wicht's amendment. This recognised the principle of a separate Eastern Province but only

⁸⁸It did in fact meet in Grahamstown in 1864, but the move was never repeated.

⁸⁹W. Stanton sat as M.L.A. for Port Beaufort (1859), Somerset East (1860-3) and Victoria East (1867-9). He was an 1820 settler.

when the real practical problems had been included in a separatist plan. Here Von Maltitz once again swung the balance against the East.

The failure of this last bid to secure separation heralded the final collapse of any Eastern unity which remained. The divisions between those who believed it time to press instead for material progress for the East, and those who refused to waver from separation as their one and only goal, were now too wide. Harries' plan of refusing to go down to Cape Town for the next session, which relied on Eastern solidarity, crumbled when Godlonton rejected it outright. The vacillation and turncoat attitudes of Godlonton were 'exposed' by the Cradock News, while the 'dishonesty' of Harries whereby he attempted to bring Grahamstown into disrepute with the rest of the Province was stressed in the Journal. The dialogue of letters in the press seemed to vindicate Solomon's long-held view of Eastern division. The Journal was prepared to go so far as declaring -

'We can already imagine it to be far better to bear the weight of Table Mountain than to have the [Port Elizabeth] Hill for an incubus, infinitely better to be legislated for by the Solomons and Watermeyers, than by any number of Fathers of Separation.'⁹⁰

The Separation League which at some points had provided a pattern for political organization, had clearly failed. The Commission which John Ayliff had proposed had come to nought. It was not until 1871-2 that separation was again to enter the field of working politics. Economic depression is part of the explanation for this, so too is the marked political immaturity. The provincial front, as will be seen, had not consolidated during the intervening years. It is

⁹⁰G.T.J., 27-5-1863.

proposed, therefore, to examine briefly the economic background and the changing situation at the Cape, and to scrutinise what may be called the divisive factors which had ruined previous attempts at separation. It will be suggested that mutatis mutandis they continued to hamper the seemingly more propitious situation in 1871 when Sir Henry Barkly,⁹¹ Governor and High Commissioner, himself appointed a Commission. John Paterson already a well known figure in Port Elizabeth was to devise the first serious legislative proposals put before Parliament only to find that the time was not ripe and that diamonds were the great distraction from separation.

⁹¹See p. 119 footnote 41.

CHAPTER III

DOLDRUMS AND ABORTIVE REVIVAL ;

THE COMMISSION OF 1871

(1862-1871)

During the rest of the decade the broad issue of separation was dormant. Willy-nilly, the Eastern Cape was self-converted to a more pragmatic approach such as Wodehouse had suggested. Material progress and economic recovery were the watchwords. This policy had been aptly summed up by Holden Bowker - 'My own private opinion has always been that we should take rights by instalments and by degrees supersede the want of that entire and abrupt disconnection that is wanted by so many but understood by so few.'¹ The Port Elizabeth-Grahamstown railway moves, the provision of an Eastern Districts Court, improvements to the Eastern Province harbours, telegraphic communications and more extensive bridge-building were the fruits of this policy. Improvement was, however, hampered by the financial crises and economic depressions of the 1860's which prevented any large-scale public works from being undertaken. It was realised that under those conditions separation even if achieved, might be suicidal especially if the burden of frontier defence fell solely on the East. It was difficult enough in the sixties for one civil establishment to subsist, let alone two such bodies. It was almost impossible to balance the budget, and the dispute as to whether the remedy was retrenchment or new taxation was to strain relations between the Government and Parliament to breaking point. Though the difficulties were not of his making, Sir Philip Wodehouse²

¹T.H. Bowker to Godlonton 13-5-1862. Wits.

²He had taken up office as Governor of the Cape and High Commissioner early in 1862.

had no alternative but to face them.

During the 1850's boom conditions had prevailed at the Cape especially with the phenomenal rise of the Merino wool industry. Such was its importance that by the early 1860's it provided over 90% of the Eastern Province exports. This prosperity had also been brought about by major improvements in banking and transportation facilities, and by more scientific agricultural and pastoral methods. 1861-3 had witnessed an intensive banking boom in South Africa with much Imperial capital entering the country. Thus the London and South Africa Bank with a capital of £400,000 was set up in 1861 and in the following year the Standard Bank with its £ $\frac{1}{2}$ million capital followed suit. A slight recession occurred in 1862 as economic conditions worsened. The major financial crisis came in 1865, slightly earlier than the crises in Britain and on the continent. According to Schumann,³ the crisis in South Africa was a banking and financial crisis. The inflow of capital and the extension of credit was out of proportion to the level of economic development.

The vitality of the economy depended to a great extent on agricultural products. The drought of 1859 became protracted and hit first one part of the colony and then another. In the Western Cape the two staples were wheat and wine. Disaster hit the farmers there particularly hard. The vine stock was damaged by the disease, oidium Tuckeri, and at the same time, the dwindling wine exports were cut back by a change in Britain's tariff policy. On the one hand the Cobden Treaty of 1860 gave preference to French wines over those

³S. Schumann, Structural changes and business cycles in South Africa 1806-1936, p. 81.

from the Cape, and on the other Gladstone's scale of duties based on the degree of alcoholization worked to the detriment of Cape wine farmers. Wine exports shrank; the wheat crops failed, and year after year the entire cereal harvest was damaged by rust. This combination of factors soon produced widespread bankruptcies and movement off the land.

In the Eastern Cape the full effect of the crisis was not felt until 1865, although the American Civil War of 1861-5 had closed an important market for Cape wool. About the same time other buyers became more critical of the Cape practice of shearing twice a year, because short staple wool was not so useful to manufacturers. The Free State-Basuto war of 1865-8, and the consequent moratorium, hit the republic's creditors in the Cape and in Natal. The up-country trade was seriously affected as farmers had no money to pay for imported goods or luxuries. They had to fall back on what they could produce themselves.

Unemployment rose as bankrupt farmers drifted to the towns and as men employed on public works were retrenched. In the late 1850's the government had embarked on large-scale public works on the strength of the temporary economic boom and had not ensured that a sufficient reserve was set aside. When the recession came many of these works had to be left uncompleted. The excess of revenue over expenditure of £65,000 in the colonial treasury in 1857⁴ soon turned to an alarming deficit of £191,613 in 1863.⁵ In addition there had been heavy Government borrowing from overseas and the interest on

⁴V & P (L.C.) 1858, p. 5. Governor's opening speech.

⁵V & P (L.C.) 1864, p. 5. Governor's opening speech.

this was a heavy charge on the dwindling revenue. The reports of the Civil Commissioners throughout the decade were depressing with no improvement in the agricultural situation.

In the circumstances, political activities took second place to the struggle to remain solvent. Men were not keen to stand for Parliament as it meant leaving their businesses or farms for up to four months a year. Separation as an organized movement disappeared and the balancing of the colonial budget brought East and West together with a common aim.

It was only with the gradual recovery of farming and the improvement in the financial situation that the budgetary position in the Cape improved. The discovery of diamonds was to mean the opening of a new era, in which the banking and credit facilities which had developed in the early sixties, were to play a key role. This situation was to create a new framework within which a revived separatist movement was to make its last decisive effort.

Although the separatist agitation was quiescent during the 1860's, the Eastern Cape did achieve some of its objectives. Distance from the seat of government and the delay in administration as a result had long been a main Eastern grievance. On 27 May 1861 J.G. Franklin, member for Albany, presented a petition to Parliament signed by 221 residents of Grahamstown calling for a telegraphic link from that town to Cape Town.⁶ A Select Committee was appointed and on 29 July Solomon moved resolutions to implement the Report.⁷ The cost of the line would be £30,000, repairs would amount to £2,500 per annum,

⁶V & P (H of A) 1861, p. 101.

⁷V & P (H of A) 1861, pp. 446-7.

while annual gross receipts would be £4,000. Provision would also be made for extensions to Cradock and Graaff-Reinet, as well as to King William's Town. These proposals were not accepted, and finally a plan proposed by Painter was accepted. This put the onus of constructing the line on to a private company to which the Government would pay £1,500 per annum for fifteen years. In this form the Telegraph Bill (Cape Town and Grahamstown) was passed.⁸ The line was finally put into operation on 8 January 1864⁹ in time for the parliamentary session of that year which was held in Grahamstown.

During the previous session on 14 July Harries had moved in the House of Assembly, 'That the Governor be requested, by respectful address, to take measures for summoning the next session of Parliament to be held in the Eastern Province, in virtue of the power vested in him by the 60th Section of the Constitution Ordinance.'¹⁰ This move late in the session had taken the Western members by surprise and the resolution was passed by the narrow margin of fifteen votes to fourteen. Several of the Western moderates had joined with the Easterners in this division. Two weeks later Wicht attempted to negate this by a resolution in the upper House expressing the inexpediency of such a meeting in the East. Realising that they would be outvoted as always, Godlonton, Wood, Pote and the Cawood brothers left the Council Chamber. But the greatest shock of all came when the Governor, in his prorogation speech,¹¹ intimated that he would use his powers. This would effect

⁸ Act 21 of 1861.

⁹ G.T.J., 8-1-1864.

¹⁰ V & P (H of A) 1863, p. 293.

¹¹ V & P (L.C.) 1863, p. 196.

a change of venue for the next session which would be held in Grahamstown if the Secretary of State agreed. Thus in 1864 Parliament assembled in Grahamstown and one of the separatists' secondary aims had been achieved. Western members could now see at first hand the situation in the East, and the difficulties which faced Eastern members on their annual journey to Cape Town for the session.

During the 1864 session the question of a Court for the Eastern Districts was thrashed out.¹² Finally provision was made for a Court of two judges¹³ with jurisdiction in the East. The decisions of the court would be subject to appeal to the Supreme Court sitting in Cape Town. Nevertheless much of the delay in judicial administration was obviated by its establishment.

After all the local rivalry displayed in the debates on the matter, Grahamstown was selected as the seat of the Court.

Another issue on which the East had long battled, namely separate representation for Queenstown,¹⁴ was secured in 1865. This was, however, part of a general plan contained in the Annexation and Representation Bill which inter alia gave Kaffraria a voice in the Cape Parliament after its annexation. As early as 17 July 1854 Godlonton had presented a petition on behalf of 76 inhabitants of Queenstown requesting electoral privileges.¹⁵ He had followed it up

¹²See infra, p. 124.

¹³Act 21 of 1864.

¹⁴Queenstown was created a district after discussion on the constitution of 1853 had begun and, therefore, was granted no representation. It was formed out of part of Victoria, and a portion of the lands taken from the Tambookies during the 1850-3 war. From 1854-1865 it was subsumed in Victoria for electoral purposes.

¹⁵V & P (L.C.) 1854, Minute VIII.

a week later with a Bill in an attempt to secure such representation but this, together with many later attempts in both Houses, failed.

In addition during the 1860's other votes of Parliament benefited the East. For example both Algoa Bay and the Kowie were improved as harbours and the works at the latter were taken over by the Government. Various road- and bridge-building enterprises were also embarked on though on a small scale.

During the years when separation had been dormant as a political question, the Eastern Cape had secured quite important objectives which could be said to have strengthened any future claim to a separate political identity. It is curious then that when the question of separation was next raised, the initiative came, not from the East but from a Western member. Like a bolt from the blue and without any prior consultation P.L. van der Bijl,¹⁶ a new Western Province member in the upper House, moved in 1867 for separation of the two provinces as a means of reducing friction. The East was divided on his sincerity : Wood admired Van der Bijl's independence of mind while Godlonton regarded it as a taunt. Nevertheless to test his real intentions, Tucker and Chase moved a simple statement of belief : 'That in the opinion of this Council it is desirable that the two provinces should separate.'¹⁷ Pote, the self-confessed realist, asked what good the motion could possibly do in view of Eastern disunity. The young Westerner who regarded himself as an independent was hurt by the imputation of frivolous insincerity made by the Easterners, no less than by the suggestion of his fellow

¹⁶ P.L. van der Bijl sat as M.L.C. for the Western Province (1867-68) and for the South-Western Province (1879-90).

¹⁷ V & P (H of A) 1867, p. 128.

Westerners, that he had a 'touch of the sun'. The Easterners' amendment was lost when the President voted with the West to make the voting 10-9 in a straight West-East division.

Two years later, in 1869, Stanton tabled but later withdrew a motion for separation, in the House of Assembly. It called on the Governor to consider 'the dividing of the Eastern and Western Provinces into two separate Governments, each enjoying the entire and exclusive administration and control of its own affairs.'¹⁸

Stanton clearly realised that it was not opportune to call so directly for separation at a time when the East was not sufficiently aroused to support him. In the next few years separatists attempted to gain indirectly what they could not achieve by a direct move.

By 1870 the political situation had changed. Britain was determined to reduce her colonial obligations and already moves to cut back the Imperial garrison on the Eastern frontier had been made. At the same time Molteno and Solomon were pressing even harder for a responsible ministry at the Cape which could take over some of these obligations. Federation was urged by the Easterners who saw it as their only safety valve in the event of responsible government. In the last resort they would be prepared to accept the two measures together but would fight with all their might against responsible government without any proviso for local devolution of power. On 14 April J.C. Chase gave notice in the Legislative Council that he would move early in the next session,

'That the time has arrived when an organic change in the political constitution of the Colony is indispensable, and that the

¹⁸ Standard, 7-9-1869.

trial of the federative system of government may be safely made, commencing with the Western and Eastern Provinces, leaving to each the administration of their local affairs, and to a Central Government or Congress the subject of military defence and other cognate matters.¹⁹

It will be seen that even at this stage he was not prepared to accept the three province principle for the Cape. This rough proposal for federation was merely designed to give the press and the public an opportunity of expressing an opinion before Chase committed himself to such a system. By September the Journal was writing, 'The Federal principle seems to be one that is destined, in these modern times, to grow and bear fruit such as, in all the past ages, it has not yet borne.'²⁰ It drew attention to the examples of the United States, Canada and New Zealand - all federal states and so united in their own way. Of all colonies, submitted the newspaper, the Cape needed federation the most because of the great diversities and differences in the colour, culture and creed of its peoples. In a South African federation the states would be given as much local freedom as was compatible with the general well-being of the group. Three weeks later²¹ the Journal reacted to the charge made by other Eastern newspapers that it was a recent convert to the federation cause. It replied that one of the measures advocated by the members who resigned in 1857 was federation and they had been supported by the Journal at that stage.

¹⁹Cape of Good Hope Legislative Council Debates 1870 (Saul Solomon and Co., Cape Town), p. 292.

²⁰G.T.J., 16-9-1870.

²¹G.T.J., 5-10-1870.

On 23 November 1870 the new Governor, Sir Henry Barkly received a deputation of Cape merchants in London. Among other things he was able to inform them - 'I feel certain that the co-operation of the Imperial Government will not be wanting for any plan that can be arranged for the establishment of a South African Federation, upon the principle of that recently so happily adopted in the case of the Dominion of Canada, under which each State retains the fullest powers of self-government compatible with federal action on matters relating to external commerce and defence....'²² At the same meeting John Paterson spoke warmly in favour of a federation which would break down the old East-West rivalry. A dualism had arisen and had been perpetuated by the structure of the Legislative Council where each province was treated until 1874 as an electoral unit. This should be stopped and a federation with more than two states would achieve it. However much men like Barkly and Paterson might will it, it was nevertheless up to the Cape Parliament to initiate moves which the British Government could act upon.

Meanwhile Chase had been active in the Cape and had framed a proposal. He submitted this to the press in a letter to his constituents in March 1871.²³ Letters written by Chase to Godlonton show not only that Godlonton was kept fully in the picture, but also that his advice and help was sought. Chase submitted an outline of his proposals to Godlonton and asked for comment - 'Now you will do me a great favour if you will take my half fledged bantling into your care and prune and clip its wings whenever you see it unfit to take

²²G.T.J., 6-1-1871.

²³G.T.J., 1-3-1871.

a flight into the Journal and Herald.²⁴ Chase's plan was to let each province have management of its own strictly local affairs. The government would consist of a chief magistrate, an executive and an elected single-chamber provincial council meeting annually. In the federal sphere, a Governor and executive as existing would control all areas of general concern. In the central legislature, the upper chamber would comprise members of the provincial councils. The electorate for the lower chamber or House of Assembly would be the same as that for the provincial elections. The broad outline was quite well designed and there was an intelligible division of powers and functions as between local and central governments. It was hoped that the wider powers which were ascribed to the central government would inhibit a purely factional approach to politics. This might have worked in a multi-state federal grouping of this type. But Chase proposed merely a bi-focal, provincial base. His plan would merely have altered the channels through which the old East versus West conflict could operate.

Many Eastern members expressed approval of it and other public figures did likewise. T.B. Glanville, editor of the Journal, spoke out for a variation, namely a three province federation of the West, East and 'the great Province which is to be over the Orange and about the Vaal.'²⁵ The Graaff-Reinet Herald was convinced that Chase merely wanted separation under the guise of federation.²⁶ Long a believer in the necessity of responsible government, the newspaper

²⁴J.O. Chase to Godlonton 9-2-1871. Wits.

²⁵G.T.J., 3-4-1871.

²⁶G.R.H., 28-1-1871.

thought this principle should precede federation.²⁷ In any case it would have no truck with a federation of less than three provinces.

The former of these points was taken up by the Governor in his opening speech on 27 April 1871 when he dealt with federation. He felt that 'no such system of federal union could be maintained unless each of the States composing it were equally independent of extraneous control. In other words, Self-government should precede Federation; and not for this reason only, but to prevent the difficulties and risks of failure which any attempt to carry out simultaneously two such great political changes would inevitably entail.'²⁸ The opinion of the Governor was that the question of responsible government was prior both to the question of separation and federation. Thus when J.C. Molteno introduced his motion on 1 June saying that the time had arrived for a responsible executive, he also tagged on a motion asking His Excellency to appoint a Commission to investigate the practicality of a system of provincial governments working within a federal structure. But Molteno thought of the federation as a way of bringing together Natal, the Orange Free State and other areas into a single polity without necessarily giving provincial status to areas within the Cape itself.

The Eastern Cape members seem to have sensed that 'federation' meant one thing to the Imperial government, another to Molteno, and that the desires of the Eastern Cape were not seriously considered by either. They were afraid that an executive politically responsible to a parliament in which Western interests might predominate, would give short shrift to the views and interests of the East. With some

²⁷G.R.H., 15-4-1871.

²⁸V & P (L.C.) 1871, p. 5.

sophistication C.A. Smith of King William's Town resorted to side-tracking by a device much favoured by Solomon, as for example with the 1859 Select Committee on British Kaffraria and Frontier Government. Smith moved that both questions, that of responsible government and that of federation should be referred to a Commission.

The debate which followed was most revealing. It showed up the difference between those who saw federation merely in terms of Cape politics, and those who saw it in the wider South African context. While the Eastern members complained that the majority of people did not understand what responsible government meant, the West with equal gusto countered that the members for the East for their part did not understand what was meant by federation. Even those in the East who had decided to support Molteno's motion, wanted federation to be put on a firmer footing. Finally on 9 June a division resulted in the loss of Smith's amendment, 25-32, and Molteno's motion was passed 31-26. Included in it was Scanlen's amendment. This expressed the expediency of introducing a system of provincial governments, and requested the Governor to appoint a Commission. The Government Gazette of 27 June announced the names of the Commissioners and their terms of reference.²⁹

In his selection the Governor had been wise : all the major interests and groupings in the colony were represented. There were three members of the Legislative Council - Godlonton, de Roubaix and Chase - and four of the House of Assembly, namely Ziervogel, Molteno, Smith and J.H. de Villiers.³⁰ Three were from the West, two from the

²⁹G.G. 27-6-1871.

³⁰Ziervogel (Graaff-Reinet), Molteno (Beaufort), Smith (King Williams Town), De Villiers (Worcester). On 24 August 1871 the Governor issued a second Commission substituting the name of William Porter (M.L.A. for Cape Town) for that of J.C. Molteno, resigned.

Midlands, and two were Easterners. In addition four were known to be hostile to responsible government, while the other three supported the principle. All were experienced and respected politicians. Godlonton was elected Chairman at its first meeting. In terms of the Commission, the area to be included in any proposal would be limited to the Cape and those territories which at present were held by native tribes but which would probably be annexed to the Cape in the future. The Commissioners were asked to detail the provisions of a system of provincial governments if they felt that such a principle would facilitate the 'good government of the entire Colony'. They would have to decide how many provinces would be required, and if the Canadian model should be taken.

Working on the fact that the expediency of investigating federation had been accepted in the lower House, William Fleming jr. introduced a motion in the Legislative Council on 20 July, 1871. It read,

'That in the opinion of this Council, the Federative system of Government is most suitable for this Colony, and that with a view to secure effective Local Government to the different sections of the Country, the Colony proper should be divided into three Provinces....'³¹

It went on to request the Governor to forward the resolution to the Queen for Imperial legislation to effect it. During the debate many amendments were put forward but all were rejected with the exception of J. Vincent's motion which stipulated 'three or more Provinces', and the proposal of George Wood which cut out the reference to Imperial action and referred the matter to the Federation Commission. In the vote to accept the resolution as amended, the Eastern members split. Several thought it unnecessary in view of the Commission;

³¹V & P (L.C.) 1871, p. 71.

J.C. Hoole would only accept federation if accompanied by removal of the seat of government; Chase and Godlonton wanted to await the Report of the Commission, and, therefore, did not take part in the division.

The Commission had been meeting frequently since 1 July and had interviewed several witnesses, notably John Paterson. In addition it drafted a set of questions which were dispatched to private individuals, Divisional Councils and Municipal bodies. On 17 August the Commission went into recess and met again on 5 February 1872. In the interim all replies to the circular³² were copied in Cape Town and sent to the members at home. It was obvious that the problem would arise over the number of provinces, for Chase's 1870 proposal was for the existing two. In fact as late as 5 December he wrote to Godlonton, 'I should like to hear from you, your opinion whether we may concede the plan of three (3) Provinces, I incline to two only - West and East....'³³ Yet in the Report Godlonton was able to state that it was the unanimous opinion of the Commissioners that in the event of federation, there should be three provinces.

During the latter half of 1871 federation had been widely discussed in the Eastern Cape and H.B. Christian had fought his election to the upper House on this local government issue as well as on his opposition to responsible government. Although Christian supported federation it was more on the basis of 'The Eastern Province for the Easterners!' A separatist agitation was growing up as the success

³²The response to the circular was very poor. 16 out of the 47 Divisional Councils addressed, replied; 3 out of 32 Municipal bodies; and 32 out of 168 private individuals. Report of the Commission on Federation, (Saul Solomon and Co., Cape Town, 1872), p. 5.

³³J.C. Chase to Godlonton 5-12-1871. Wits.

of moves for responsible government appeared imminent. It was led by Port Elizabeth which felt it had the most to fear from the introduction of such a system. This was because it would place her commercial fortunes in the hands of her rival, Cape Town, aided and abetted by East London. But in the event of a two province federation Algoa Bay would be able to claim almost sole right to the Eastern Province export and import trade unhindered by regulations emanating from Cape Town. Consequently as soon as news was received in Port Elizabeth of the success of Molteno's motion in the House of Assembly, a public meeting was called. This gathering of 21 June 1871 brought liberals who favoured responsible government and conservatives who opposed it into an unusual common front in which they opposed the granting of responsible government unless it were preceded by some form of devolution for the Eastern Cape. A committee was appointed to hold a watching brief over parliamentary proceedings.³⁴ The gradual yet notable swing by several Eastern members towards Molteno's party was a worrying occurrence and in July this committee resolved to form others all over the province to promote separation.³⁵ The Eastern Province Reform Association was established as legatee of the old Separation League of 1860-2, with the purpose of defending Eastern rights. A circular was issued calling for provincial governments and an attempt was made to awaken the province into political action. The Association nominated H.B. Christian to oppose W. Fleming jr. for the latter's recently resigned Council seat. A convert to responsible government, Fleming had been called upon by the Province

³⁴G.T.J., 21-6-1871.

³⁵G.T.J., 17-7-1871.

to resign and stand again under his new banner, which he did. The failure of Christian would be seen as the coup de grace for the responsible party, and this explains the high pitch of electoral activity resulting in his return by a majority of nearly two to one.³⁶ The Grahamstown extremists led by Dean ~~Merriman~~^{WILLIAMS} and the Eastern Star had long been violent separatists, but now the moderate party sprang to life. This was the result of two decisions adversely affecting the town itself. Firstly, by one vote the House of Assembly led by Molteno disallowed the Kowie loan of £50,000 and substituted a sum of £15,000.³⁷ The Journal, enraged at this tit for tat, saw in it revenge for Eastern opposition to responsible government which had caused the rejection of Molteno's Bill in the upper House on 21 July 1871. Secondly, the Government railway plans outlined toward the end of the session left Grahamstown out in the cold. The Governor's first thought was for a Midland trunk line from the coast, from Port Elizabeth, to the Diamond Fields.

Thus when the Federation Commission presented its Report on 20 March 1872, both federation and separation had supporters in the Eastern Cape. The Commission had to admit that it was unable to reach a decision and could, therefore, not recommend any particular course of action. However, it presented the heads of an Act³⁸ - an instrument which had reflected the opinions of the majority of Commissioners on most points. This had been drawn up by William Porter, the former Attorney-General, and had been discussed clause

³⁶ G.R.H., 27-9-1871; G.T.J., 17-11-1871.

³⁷ V & P (H of A) 1871, p. 416.

³⁸ Report of the Commission on Federation, pp. 12-19.

by clause by the Commission. It provided for three provinces - West, Midland and East. Each province would have a single chamber assembly of twenty-one members elected for five years. The principal executive officer was to be named the Chief Commissioner of the province but all Bills would have to await the signature of the Governor. The existing colonial parliament would remain in situ except that the upper House would consist of twenty-one members, seven elected from each of the three provinces. A single judge of the Supreme Court would be established at the capitals of the Midland and Eastern Provinces, respectively Uitenhage and Grahamstown. The classes of subjects to be placed under the legislative and administrative powers of the provincial assemblies were specified in section 24. The most important of these were control of roads and railways, and laws of master and servant. Certain categories of revenue including that from the sale of crown lands were placed at the disposal of the provinces.

Three members of the Commission, namely Godlonton, Chase and Smith, recorded their objections to the scheme and these dissentient views were included in the Report. The Chairman was still unhappy about the three province division, but even more he brought the question of the Transkeian Territories into the picture. The Commission had been specifically requested to investigate this point but they had failed to do so. In his view to add this area as 'another and a most valuable Province' would be to safeguard the security of the Eastern Province and the Frontier particularly. Smith's objections were both to federation in principle and to some of the details of the proposed Bill. His answer was to grant greater powers of local administration in a united colony and so avoid the frictions inherent in a federation.

On the other hand, Chase had set his mind on removal as the only thing which would ensure the success of federation. He quoted statistics to prove how the West dominated political power and how all Eastern attempts to escape from it had failed. He concluded by sounding a warning,

'If this system is to be continued, if Federation is to be limited to a mere increase of Divisional Council powers, the only alternative will be to seek from the Imperial Government a separation of the Provinces into two distinct and independent Colonies....'³⁹

In April 1872 in his opening speech, Sir Henry Barkly informed Parliament that should there be a desire for federation, Porter's draft Bill should be perfected and resolutions on it passed. The Cape legislature had no power to effect a federation merely by enactment - the assistance of the Imperial Parliament was required in the form of an Act. On 11 June Godlonton asked the Colonial Secretary whether it was the intention of the Government to introduce a measure for separation leading to a federal system for the colony. The reply was that although the Parliament was not competent to pass such a measure, any resolution in favour thereof would receive 'the most careful attention of the Government'. Yet in the furore surrounding the passing of the Constitutional Ordinance Amendment Bill, nothing further was attempted.

Once again the separatist fire had been rekindled in the Eastern Cape, this time as a last minute bid to delay or avert responsible government controlled by Cape Town. As in 1860 the Bay took the lead though not for conciliatory reasons on this occasion. The movement was led and financed by the mercantile class, long known for its

³⁹Ibid., p. 25.

political apathy. The success of Molteno's Bill in the House of Assembly on 3 June had led to meetings in all the major centres of the East. Grahamstown, spurred on by the Dean, circulated a petition to the Queen, while a mass meeting of over seven hundred Port Elizabeth residents unanimously advocated separation as the only remedy for their fears of domination by the Westerners. On 22 June the inaugural meeting of the Central Committee of the Separation League was held in Port Elizabeth.⁴⁰ Its plan of action was two-fold : it called for the co-operation of the rest of the Province and it organised a monster petition to the Queen requesting her to refuse her assent to the constitutional amendment. Meetings either to approve or reject the separatist moves were held in the interior. Majorities against separation were recorded at meetings held at Somerset East, King William's Town, Aliwal North, Queenstown and East London. A Cradock meeting voted 109-75 in favour of separation, while surprisingly one at Colesberg did the same by 100-30. It soon appeared, however, that the fears of the Journal were sound. The Midlands and Kaffraria rejected outright the idea of separation even if Uitenhage was selected as capital. Quite apart from the usual anti-Grahamstown jibes, there was a general feeling that the new form of government should be given a chance to prove what it could do. As self-interested as the Separation League, a Frontier League was established in Kaffraria to counter the former. In its Manifesto, the Frontier League pointed out the lead taken by Port Elizabeth as occasioned by its selfish commercial motives. The Frontier League called for a Midland-Kaffrarian alliance which, independent alike of West or East, could hold the balance of power

⁴⁰ G.T.J., 24-6-1872.

and thereby gain benefits for itself. For obvious reasons it was not pointed out that Kaffraria also had an eye to its own commercial interests.

Many of the most prominent men in the Eastern Cape, including the majority of members of Parliament refused to give the Separation League their support. Though some successful meetings were held in the country districts, the weight of support for separation had a narrow geographical and social basis, in the orbit of Grahamstown and Port Elizabeth. This is in notable contrast to the 1861 movement. It may be suggested that the stand on this occasion, in 1872, was more markedly English, and may be explained as a subconscious reaction to the reduction of direct Imperial influence which would follow from responsible government. Albany politics had often showed both a prescriptive right to criticise British policy, and a claim to its protection. Now enthusiasm had got the better of accuracy. The petition of the Separation League to the Queen contained 13,672 signatures⁴¹ in a province where there were only 14,483 registered voters. Although signatures were not limited to those on the voters' roll, the disparity was enough to raise suspicion. In his Minute⁴² to the Earl of Kimberley, Secretary of State, in January 1873 Moltano exposed the position in some detail. He pointed out that there were over three hundred more signatures in Port Elizabeth than the male population over fifteen years of age. He revealed the unequal distribution of the signatures over the districts. With regard to the alleged neglect of Eastern interests, Moltano was able to refute

⁴¹Statement as Appendix to the Petition to the Queen. Printed by The Daily Advertiser (Port Elizabeth, 1872).

⁴²P.P. XLIX (C732), p. 151. Barkly to Kimberley, 3-1-1873. Enclosure : Minute by Moltano.

most of the arguments of the League. These included the inequality of expenditure between the provinces, and that no railways had been provided for in the East whereas the West had had £500,000 expended on it. In these circumstances, and quite apart from the fact that the separation issue was irrelevant to the broader purposes of Imperial policy, the Crown was advised to reject the petition.⁴³ Just as in 1854 the meeting of the first Cape Parliament had created a new and more difficult constitutional position within which the separatists had to work, so too in 1872, when the Cape secured responsible government, it became more difficult for the separatists to manoeuvre.

A survey of the moves for separation in any of its protean forms during the period 1854 to 1872 shows the problems raised by politics based on provincial alignments which had developed in the very difficult pre-parliamentary context. These were years of political apprenticeship with two interesting examples of political organization, namely in 1860-1 and 1871-2. What does become clear is that movements for devolution or separation were hindered more by elements within the Eastern Cape itself than by the so-called 'Table Bay' government. Although the accusation of neglect of its political and administrative wants was levelled at the Western Province, the East forgot that it had almost as much political influence to effect change. The West had a numerical superiority of two in the lower House (of whom one was always the Speaker) and only one in the upper House. The majority in the latter could be discounted when a Westerner took the Chair in committee of the House. In addition several Western members were sympathetic to some at least of the

⁴³P.P. XLIX (C732), p. 161. Kimberley to Barkly, 14-2-1873.

needs of the East,⁴⁴ and others were often absent on Circuit Court. Thus a united East could be sure of gaining at least an equal hearing if it brought forward definite plans for administrative reform or for new public works. However, its voting strength was diffracted by the presence of groups in the East with differing interests and ideals. The predominance of the Frontier districts gradually decreased with the growth of a definite Midland grouping in Parliament and later a Kaffrarian one.

Led by J.F. Ziervogel, an influential member and capable debater, the Midland group was able to frustrate many Grahamstown-sponsored moves. D.B. Sole⁴⁵ is correct in stating that the chief object of the Midlanders was to play off their votes against the two larger parties, and so hope to gain advantages for themselves. It would, however, appear that although this was so in the period 1854-61, it was only after 1861 that the Midlanders realised the full extent of their political power. The failure of the separatist moves in 1861 had been largely attributable to them. Consequently when the League realised compromise with the Midlands was the only chance of success, the Midlands saw the role they could play. This was particularly so with regard to parliamentary representation. They were under-represented and so opposed moves for the enfranchisement of Queenstown while the northern districts were dominated by an over-represented Frontier. Not only Richmond but also Aliwal North in the newly developing northern areas of the Cape became electoral

⁴⁴The following Western members voted for separation : in 1860 M.J. Louw of Cape Town and H.B. Shawe of Clanwilliam; in 1861 J. Brand of Clanwilliam; in 1862 J. Brand, A.J. Tancred of Clanwilliam and P.J. Kotzé of Cape Town.

⁴⁵Sole, p. 167.

divisions in 1865 at the same time as Queenstown. On some issues the Midlands group would stand against the Westerners. But with the partial exception of the crisis over the wool tax, the Midlands opposed separatist moves in any guise. With the annexation of Kaffraria another group hostile to separatist aspirations was given parliamentary representation. Both East London and King William's Town returned two members each to the House of Assembly after 1865.

The conventional term Easterners is itself almost necessarily misleading. The moving frontier on the one hand enlarged the geographical area, but at the same time, districts like Cradock and Graaff-Reinet which had once been in the danger zone and made common cause with Albany, had developed their own divergent identity and economic interests. Given this situation, and the rivalry between Port Elizabeth and East London, it was increasingly difficult to find firm ground for a political stand. This helps to explain the crucial failure of the Easterners, who wanted either autonomy or a separate colonial status, to devise an effective plan of action and to draft a measure. The great stumbling block was the situation of a seat of government in the Eastern Cape. Even when the separatists were most united and effectively active, for example at the Somerset Convention, they dared not touch this most divisive of questions. The reluctance of Grahamstown to stand back for Uitenhage and thereby to conciliate many of the Dutch inhabitants of the northern districts, cost separation dearly. It is suggested that the crucial blunder was the failure of the League in 1861 to accept Ziervogel's suggestion of a three province structure, an idea which was again mooted a decade later in less favourable circumstances.

The separation moves had begun as a political response to specific grievances. But the context had changed and many grievances had been met. Yet the separatist cause though often dormant, was not by any means defunct. On the contrary, at times of tension, it offered a banner under which the Eastern Province could rally. This perhaps was its role. In the first place it did secure more adequate attention to the peculiar problems of the Eastern Cape. In the second place, with all its disunity and ineptitudes, it provided a political training, the habit of political argument and on two occasions definite political organization. Already by 1872 the importance of the Eastern Cape and the outlook of separation seemed to be dwindling since the Imperial government had a very different approach to the problems of South Africa, and the provincial problem would be dwarfed by the far greater 'continental' issue.

CHAPTER IV

RAMIFICATIONS OF LOCAL RIVALRIES

'On one subject I differ widely from many of my fellow members of the Eastern Province, and that is to lay the blame on the Western Province members of withholding those rights and privileges which we consider we are entitled to enjoy. For my part I have far more cause to complain of Eastern Province jealousies and local bickerings than of Western Province ill-feeling towards us'.¹

These words of Charles Scanlen at a nomination meeting in Cradock in January 1859 aptly expressed the real situation in the East. The accusation of Western neglect of Eastern public works though often valid had become the scapegoat for the frustrations of the Easterners. It was this which made it easy for the frontier groups in particular to miss the prime cause for the failure of their plans, namely the lack of co-operation among the districts in the Eastern province. The disunity had remained as a legacy of the Godlonton-Stockenstrom feud. First because of his evidence before the Aborigines Committee and later as a result of his administration as Lieutenant-Governor, Stockenstrom was censured by the Journal and experienced the wrath of the Frontier.² The so-called philanthropy of Stockenstrom, like that of Fairbairn, was seen as unrealistic in the situation, and traitorous to settler well-being. Later, during the anti convict agitation, a Grahamstown-'Midland' controversy arose. Initially Grahamstown had made common cause with Graaff-Reinet and Port Elizabeth

¹G.T.J., 8-1-1859.

²The bitterness is reflected as late as 1864 as the Journal wrote - 'The death of Sir Andreas Stockenstrom is reported by telegram. The Colony paid deceased a pension of £750, which will now be saved.' G.T.J., 17-5-1864.

in what was almost a pan-colonial stand against the convicts. But Godlonton had changed horses in mid-stream partly because the agitation was taking on too strong an anti-imperial overtone, and partly in the interests of the Kowie harbour project.

The prime division in the East was between those districts populated largely by 1820 and later British settlers and which formed the buffer zone, and those of older settlement whose population was largely Dutch-speaking. The exception was Port Elizabeth, a predominantly English port, set in a Dutch hinterland. Though initially its trade was with Grahamstown, increasingly after the growth of the wool industry, this came to be with Graaff-Reinet. Language and cultural differences were not major divisive factors and only really came to the fore in moments of extreme tension, for example in the heat of the separatist agitation of 1860-1.³ Throughout the period of frontier wars English and Dutch fought side by side, farmed side by side and on frontier questions they usually found their common ground. The idea of a Midland interest group had been the handiwork of Paterson when first editor of the Eastern Province Herald, and then the News. It was based on a mutual interest in the wool industry. The northern districts produced the wool and Port Elizabeth exported it while Uitenhage wool-washeries provided the intermediary service. There was also the importation of goods and provisions for the interior districts. In this way Colesberg, Graaff-Reinet, Uitenhage, Port Elizabeth and the western portions of Albert and Somerset were united in a bond. Its purpose was to secure those benefits which would work for their common good. Improvements

³Le Cordeur has correctly pointed out in Robert Godlonton as Architect of Frontier Opinion how the racial question has been over-emphasised, for example by Taylor.

to roads, bridge-building, railways, harbour construction all fell within the orbit of this co-operation. It was to Port Elizabeth's advantage to press for better roads in Colesberg for it would mean improved transport between Bloemfontein and the Bay. Equally Graaff-Reinet interests would be promoted by a safer harbour at Algoa Bay and so it would support estimates for improvements there. The significance of trade routes cannot be overestimated. In an unpublished paper prepared for the Survey of Cape Midlands and Karroo Regions it has been pointed out by Mr. K. Smith⁴ that the rise of the wool industry led to much competition between the towns of the Eastern Cape for the increased trade. This rivalry had an important effect in determining political alliances in the area. The fact that much of the Beaufort clip arrived at Port Elizabeth along the Midland route should be borne in mind for it explains why, when the question of provincial governments was discussed, the inclusion of this district in the Midlands was also stressed. Sir Harry Smith's plan for the formation of an Eastern state including the Orange River Sovereignty is also relevant because it would be based on a community of interests. By 1857 it was apparent that Graaff-Reinet was losing the Smithfield trade from over the Orange. Instead it was reaching Port Elizabeth via Aliwal North, Burghersdorp and either Queenstown or Cradock. This probably prompted Paterson's emphasis on road construction and improvement in the far north, when he visited Graaff-Reinet in that year. It also backed up the Midland claim that since the establishment of the Central Road Board, the neglect of Midland roads was resulting in

⁴From Frontier to Midlands (A History of the Graaff-Reinet District 1787-1910). Typescript prepared by Mr. K. Smith, formerly of the Institute for Social and Economic Research, Rhodes University.

loss of trade.⁵ Even Middelburg and Colesberg wool was beginning to travel via Cradock. Although the Midlands suffered as much as the Frontier from lack of public works, it was not prepared to go as far as advocating separation as a means of remedying the evil.

The unity of the Frontier districts was of an historical nature, the result of experiencing common hardships and facing a common foe. Predominantly of a settler background, the inhabitants of these areas had been the target of Xhosa depredations and had borne the brunt of the frontier wars. The Godlonton press empire⁶ ruled over this domain and moulded its character to coincide largely with that of Grahamstown. Robert Godlonton both in his capacity as member of the Legislative Council and as editor of the Journal exercised a tremendous influence over those divisions designated as Frontier. The circulation of the Journal was widespread and, especially with the paucity of Dutch newspapers, it was relied upon for news from the outside world. Its reports on Parliament and government affairs were often the only ones obtainable in the interior. In addition Godlonton's publications⁷ on the frontier wars echoed Frontier sentiments. His leadership of the Eastern members in the Upper House was unquestioned and his absence from the Colony was a severe blow to the separatist movement of the

⁵In 1854 Graaff-Reinet refused to pay the road rate because it had received nothing in return. J.J. Meintjes, then M.L.A. for Albert, took the case to court and won his argument against the Central Road Board.

⁶Godlonton controlled the Grahamstown Journal, Het Grahamstad Register en Boeren-Vriend (1853), Friend of the Sovereignty (1850), Kingwilliamstown Gazette (1856), Queenstown Free Press (1859). He also bought the Eastern Province Herald in 1857.

⁷Introductory Remarks to a Narrative of the Irruption of the Kafir Hordes into the Eastern Province of the Cape of Good Hope, A.D. 1834-5, written in 1835-6; the Narrative itself (1836); Case of the Colonists of the Eastern Frontier of the Cape of Good Hope, in reference to the Kafir Wars of 1835-6 and 1846 (1847); with E. Irving, A Narrative of the Kaffir War of 1850-1 (1851).

early 1860's. During the years of his editorship the Journal became the organ of Frontier opinion, of a definite party with political ambitions. The Settler City too came to be looked on as the Frontier spokesman particularly as it provided so many of the parliamentarians for the other divisions. During the first Parliament (1854-58), fourteen 1820 settlers or sons of settlers sat in the House of Assembly for the Frontier divisions of Albany, Grahamstown, Cradock, Fort Beaufort and Somerset.⁸ In addition the representatives of Victoria were J.G. Franklin (1854-55), R.B. Turner (1856-58) and J. Stewart (1854-58) - all with frontier connections.⁹ Among other members were such old campaigners as the Bowker brothers, E.H. Dell and Charles Scanlen.¹⁰ Common experience and outlook on the native question bound these divisions into a unit for political purposes. They controlled the other major trade route from the rich Smithfield wool district, via Albert, Queenstown, Cradock and the eastern part of Somerset which had to pass via Grahamstown to reach Algoa Bay. Before the opening up of East London as a port, all the Kaffrarian trade followed the same road to Port Elizabeth, making Grahamstown an entrepôt for the Frontier.

⁸H.E. Hockly, The Story of the British Settlers of 1820 in South Africa. Appendix C : List of Settlers.

⁹J.G. Franklin : M.L.A. for Victoria East (1854), Albany (1860-3), Uitenhage (1865-9). He was for many years editor of the Cape Frontier Times. R.B. Turner : M.L.A. for Victoria East (1856-8). J. Stewart : M.L.A. for Victoria East (1854-8). Both had fought in frontier wars and were respected members of the frontier community.

¹⁰T.H. Bowker : M.L.A. for Albany (1854-8), Victoria East (1859-63). R.M. Bowker : M.L.A. for Somerset East (1854-68 and 1870-3), M.L.C. for North Eastern Province (1881-90). They were sons of Miles Bowker, an 1820 settler, and both took a prominent part in the 6th, 7th and 8th Kaffir Wars.

E.H. Dell declined to take his seat for Albany in 1858. Also a frontier veteran. Scanlen : see supra, p. 52 footnote 50.

The political division between Midland and Frontier rested largely on the economic rivalry and diversity between them. They became commercial competitors and the lack of contact between the groups which was a result of geographical and economic factors, increased the disunity. The annexation of Kaffraria to the colony added a third party with different political and economic interests. The rivalry centred primarily over trade routes, railways and harbours. Thus Algoa Bay, the Kowie and later the Buffalo mouth vied with one another as well as with Table Bay for trade. They also sought to be the termini of railways into the interior, especially with the opening up of the vast trade with the Diamond Fields.

The ambition of Grahamstown to have a port of its own was a constant source of irritation to Port Elizabeth and fostered ill-will between them.

During the 1820's the Government had been anxious to develop the Kowie so as to obviate the necessity for a long haul from Port Elizabeth to Grahamstown. Administrative officials as well as a harbour master were appointed. A customs department was established while the authorities provided for a sailing vessel for the Kowie trade. The constant shipwrecks during the decade finally convinced the Governor of the futility of the venture and the officials were withdrawn. In 1836 William Cock embarked on a private attempt to change the course of the river to the west side of the estuary and so improve the harbour. A company was floated and an Ordinance for opening and improving the Kowie was secured. More money was spent and more shipwrecks occurred until in 1841 the Albany Steam Navigation Company with a capital of £7,000 was formed. A steam vessel would, it was claimed,

bring Albany within four days of Cape Town. As Turpin¹¹ has pointed out, a confusing number of companies was formed either to purchase ships or improve the harbour. One of the more noteworthy was the Grahamstown, Bathurst and Kowie Shipping Company established in 1843. Its object was to trade with Cape Town direct and so avoid Port Elizabeth. Challenges were made and met between the two ports as to the time and cost of delivering goods to Grahamstown. Kowie boasted it could do so in eight or nine days at a cost of £3.12.6 a ton which would cut twelve days and 15 shillings a ton off what Port Elizabeth was able to do.¹² Needless to say Port Elizabeth disbelieved this and mentioned factors not taken into account by the Kowie company. Any attempt to criticise the practicality of the whole Kowie scheme was looked upon as destructive and probably instigated by jealous and self-interested Port Elizabeth merchants. A string of disasters involving loss of life and property still failed to convince Cock whose perseverance was unflinching. Finally in January 1852 the prospectus for the Kowie Harbour Improvement Company was published. Half the capital of £50,000 was to be a loan guaranteed by the Colonial Government and for which an Ordinance was passed early in the same year. From 1857 the Government once again took an active part in the venture and convicts were employed on the works. The constant feud between the citizens of Port Elizabeth and Grahamstown, backed by their respective press, kept alive the debate on the subject of the Kowie. The Eastern Province Herald regaled its readers with 'horror stories' of entering the Kowie harbour and in 1863 the Journal retorted,

¹¹E. Turpin, Basket Work Harbour, p. 32.

¹²H.L. Watts, Grahamstown : A Socio-Ecological Study of a Small South African Town, p. 102 sqq.

'The Eastern Province Herald, always keeping its weather-eye upon the Kowie, sees that the shares are valued at £10 each, five of them being put down in the assets of the insolvent estate of E. Irving, the engineer, at £50. The tenderly solicitous friend from the "other port" wishes to know whether this can be called the market value? Of course it can be called so.'¹³

The number of vessels visiting the harbour dropped after 1866 and a Select Committee of Parliament appointed in 1868 recommended that the Government take over the company's liabilities and the entire harbour works. In 1869 a Kowie Harbour Company Dissolution Bill was passed.¹⁴ The Kowie from the outset had been the subject of much acrimonious debate and it revealed something of the Grahamstown mentality. The motivation for the harbour came as much from a determination not to rely on Port Elizabeth as it did from a desire for speedier receipt and despatch of goods. It had been Cock's brainchild and without his influence and constant prodding, the harbour works would have remained on the drawing-board. The sand-bar and the shallowness of the river rendered it a risky venture and invited caustic comment from the Port Elizabeth press. Even so staunch a settler as R.M. Bowker said the Kowie scheme was like 'going to war with the Indian Ocean'. In fact Grahamstown became still more determined to ensure the success of its local enterprise against all odds. Mismanagement played its part in the failure, but the prime factor was one which Cock declined to face, namely that without enormous capital resources it was impossible to make and maintain a harbour at

¹³G.T.J., 3-2-1863.

¹⁴Act 16 of 1869.

that point on the coast. Even if capital and engineering skill had been available, the volume of trade would not have warranted the harbour maintenance. However, a more moderate element in Grahamstown by the late 1850's realised the futility of relying on the Kowie and began to press for a second string to their bow, namely a rail link to Algoa Bay.

A study of the trade routes of the Eastern Province revealed the important geographical position of Port Elizabeth. The dependence of much of the province on her was complete, and it was only with the opening up of East London as an import and export harbour that the Bay's supremacy was threatened. The Kaffrarian trade routes altered and the Buffalo mouth was able to snatch the Transkeian and extreme eastern trade. Before long this enabled Kaffraria to exert its influence as a third political force in the East. While Port Elizabeth could still rely on the trade from the Midlands proper, the natural outlet for Albert, Aliwal North, Queenstown and the Orange Free State was East London. With the diamond discoveries of the late 1860's the alternate route caused much anxiety in the Bay and promoted local rivalry. As early as 1858 J.F. Ziervogel in a debate on Eastern railways had raised the point that with the growth of East London, much of the Port Elizabeth traffic especially the wool trade from across the Orange would be diverted.¹⁵ R.B. Turner, member for Victoria East, confirmed this in evidence before the 1858 Select Committee on Railway from the Harbour of Port Elizabeth.¹⁶ This rivalry involved not only the two ports but Grahamstown as well. Godlonton's stepson, Robert

¹⁵Adv & Mail, 25-5-1858.

¹⁶V & P, Appendix II. Report of Select Committee on A Railway or Railroads inland, from the Harbour of Port Elizabeth 1858, p. 115.

Richards, put the matter quite bluntly to his father - 'I fear that the interests of British Kaffraria and the Eastern Province (Grahamstown) are so opposed to each other that there would be perpetual wrangling. Our interests centre in the opening of the Buffalo Mouth, while those of Grahamstown are secured as at present only so long as the mouth is kept shut.'¹⁷

It was not only a commercial rivalry but also a political attitude which separated the two areas. The Legislative Council motion of 1864 sponsored by Grahamstown members for the annexation of British Kaffraria was, according to the Kaffrarians, the first step of a plan to deprive the territory of its independence. When one notes how violent this opposition to annexation was, it is easier to understand the strong anti-Grahamstown stand taken up by the new Kaffrarian members of Parliament. A 'Kaffraria for the Kaffrarians' movement was fostered, and led by J.G. Sprigg¹⁸ it became a powerful weapon in the hands of the anti-separatists. It sought public works for Kaffraria even if it meant working with Cape Town against the interests of the rest of the East. The extent to which localism predominated is revealed in the 1870 Council bye-election. Kaffraria as a whole voted against a Grahamstown candidate even though he fully expressed their feelings on the major political issues of the day. J.C. Hoole was known to be against responsible government and in favour of the Currency Bill - views shared by Kaffraria. D.W. Pringle on the other hand was

¹⁷R. Richards to Godlonton, 15-11-1858. Wits.

¹⁸J.G. Sprigg was a shorthand typist attached to the House of Commons. He visited the Cape in 1858 and decided to stay. He became a prosperous farmer near King William's Town and sat for East London in the lower House in 1869 and 1872-1903. He held several cabinet posts and was Prime Minister on four occasions.

hazy about the latter principle but fully supported the constitutional alteration. Yet East London and ^{KING WILLIAM'S TOWN} ~~King Williamstown~~ recorded large majorities for Pringle, respectively 27-3 and 184-6.¹⁹

Another issue on which a ding-dong battle between Midland and Frontier was fought, was that of railways. Each strove to gain the main system and the benefits therefrom while the other would have to be content with a branch line later. The discoveries of diamonds in the late 1860's accelerated the drive for railways. The question was whether Graaff-Reinet or Grahamstown would get the line. Each side produced statistics, maps and other information to prove the weight of its claim and the viability of its scheme.

As early as 1854 the question of railway routes was being discussed in the Eastern Province press. In June of that year an Address by Thomas Wormald to a group of Port Elizabeth merchants on the subject of railways, was taken up by the Graaff-Reinet Herald which advocated the formation of a Committee in Graaff-Reinet.²⁰ This body would collect and collate statistics and other information to ascertain the practicability of a line to the Bay. Nothing definite came out of this discussion until the general agitation in the Western Province for a railway began. Then the East with its characteristic fear of being left out of public works, rose slowly to assert its right.

In his opening speech of 1857 Sir George Grey intimated that he had arranged for surveys of two lines : Cape Town to Wellington, and Port Elizabeth to Grahamstown via Uitenhage. He asked for Parliament's consideration of the topic and for suggestions as to how the

¹⁹G.T.J., 16-3-1870.

²⁰G.R.H., 21-6-1854.

financial needs should be met.²¹ A Select Committee of the House of Assembly was appointed and reported back on 11 June. The Western line was fully approved of, but as regards the Eastern one, it was felt insufficient consideration had been given to it by the inhabitants themselves. At this stage the Midlanders were bestirring themselves - on 26 May John Paterson met Graaff-Reinet merchants to discuss the whole question of communications and transport.²² Of prime importance was improvement of the roads to the north but railways were also touched upon. The Graaff-Reinet Road Committee under the chairmanship of J.L. Leeb set to work to prove the greater suitability of a line from Graaff-Reinet to Port Elizabeth thereby by-passing Grahamstown.

'Our object is to point out the pre-eminence, as a permanent investment of capital, which a line of Railway between Port Elizabeth and Graaff-Reinet would possess over any other in the Eastern Province.'²³

The well-researched Letter which it drew up and addressed to the Colonial Engineer used the growing wool trade as its main argument. It produced statistics (culled from two sources) to prove that out of the 42,000 bales of wool exported from Algoa Bay in 1856, approximately 24,000 of it travelled from Graaff-Reinet to Port Elizabeth.²⁴

²¹V & P (L.C.) 1857, p. 3.

²²G.R.H., 30-5-1857.

²³The Graaff-Reinet Railway : A Letter addressed to Scott Tucker, Esq., C.E. by The Road Committee of Graaff-Reinet, p. 3.

²⁴They used both a statement of the number of bales of wools bought at each of the towns in the districts mentioned, and Blancheton's Vade Mecum for the Cape, for the French Universal Exhibition of 1855 (S. Solomon and Co. Cape Town), p. 85.

<u>District</u>	<u>Total wool production</u>	<u>% via Graaff-Reinet route</u>	<u>Amount on Graaff-Reinet-route</u>
Graaff-Reinet	11,018 bales	100	11,018 bales
Colesberg	5,185	75	3,888
Somerset	5,833	33	1,944
Witenhage	3,240	66	2,160
Orange Free State	7,000	74	<u>5,200</u>
Total bales wool on Graaff-Reinet route :			<u>24,210</u>

(Application of Table p.85 Blancheton's Vade Mecum for the Cape as quoted in The Graaff-Reinet Railway, p. 8.)

This amount of traffic alone, asserted the Letter, would justify a rail link. Having regard to the phenomenal growth of the wool industry, they projected figures of 168,000 bales exported from the Bay in 1862 of which the Midland line would carry 95,000. The opening up of the northern districts of the Colony as well as the development across the Orange would contribute to this increase. As far as the proposed rival line was concerned, 'we assert that a Railway from Port Elizabeth to Graham's Town partakes more or less of the nature of a branch line, since the traffic upon it will be probably within the next two years, to a great extent cut off by the opening of the Kowie Mouth.'²⁵ The evidence which both George Wood and William Cock gave before the Select Committee enabled the Graaff-Reinettors to state - 'these views ... enforce our opinion that the inhabitants of Graham's Town have little sympathy with a line from that town to Port Elizabeth, and that their attention is much more legitimately devoted to the consideration of the opening of the Kowie Mouth and the formation of a Railroad from that Port to Graham's Town. This will to a certain extent explain the

²⁵The Graaff-Reinet Railway, p. 14.

apathy that has been displayed by Graham's Town, and which has doubtless had its influence in leading to the sweeping assumption on the part of the Railway Committee, that the inhabitants of the Eastern districts are not convinced of the advantages to be gained from Railways.²⁶

The reluctance of the Frontier to commit itself to a railway was yet again revealed in 1858. A new Select Committee on Eastern railways reported on the advisability of a Grahamstown line because of the shorter distance to Port Elizabeth. But when Solomon moved on 27 May for a Bill to effect it (along the lines of the Western railway), the resolution was defeated 14-15.²⁷ Only Stretch of Fort Beaufort, Scanlen of Cradock and Turner of Victoria supported it while five other Frontier members opposed it outright, as did F. Watermeyer and Ziervogel, the Graaff-Reinet members. The sub-guarantee had scared the Bowkers and their colleagues away. However, the elections of 1859 returned Stephen Mundy²⁸ for Grahamstown, the chief advocate of a Grahamstown line. He was determined not to allow Graaff-Reinet to claim the line by default and consequently moved on 26 April for a Select Committee 'to inquire into and report upon the expediency of obtaining an Act constructing a Line of Railway from Port Elizabeth to Graham's Town.²⁹ The conflicting estimates of such a line prompted the Committee to ask that £800 be set aside for a new survey; and they concluded by expressing the opinion 'that it is expedient to procure, with as little delay as possible, an act of the Legislature for the construction of

²⁶ Ibid., p. 15.

²⁷ V & P (H of A) 1858, p. 300.

²⁸ Mundy sat for Grahamstown in the House of Assembly (1859-63).

²⁹ V & P (H of A) 1859, p. 135.

a direct trunk line of railway from Port Elizabeth to Grahamstown.³⁰ The debate in the lower House on the Report revealed the complete lack of unity in the province. Both in the Frontier and Midland party there were those who supported railways in principle, those who opposed them because the traffic was insufficient and finally those who refused to sanction a sub-guarantee to pay for them. Working on this, Molteno felt no moves should be made in the direction of Eastern railways because the province itself would not support them. The money for the survey was granted and thus Grahamstown had won the next round of the battle.

It is interesting to note the lack of public response in the form of petitions to Parliament. In 1857 and 1859 no petitions were presented to the House of Assembly while in 1858 several minor ones were presented against railways, mostly from the Uitenhage district. By 1860 before the start of the separatist agitation, Grahamstown had definitely begun to see the advantages of a line to Port Elizabeth especially in view of the lack of success at the Kowie. Richard Southey³¹ had long tried to persuade Godlonton to get Grahamstown to stake her claim for a railway to the Bay as a means of maintaining her political dominance. Railways had become an instrument of political power for as Southey wrote in ~~August 1858~~ ^{JULY 1859} - 'if we unite these two places [Grahamstown and Port Elizabeth] by such an iron band we shall soon unite the whole Eastern Province in political opinion and the

³⁰C. of G.H. Annexures. Vol. II. A 58. Report of the Select Committee, p. ii.

³¹Sir Richard Southey (1808-1901). He was an 1820 settler and a participant in the 1834 campaign. Later became Secretary to Sir Harry Smith. Held the posts of Colonial Treasurer (Dec. 1861 - 1864), Colonial Secretary (1864 - 72) and Lieutenant-Governor of Griqualand West (1872 - 5). M.L.A. for Grahamstown (1877 - 8).

value of property at Grahamstown will be vastly benefitted as it will become the very centre of trade. Even Graaff-Reinet will bring its produce here for transmission by rail to Port Elizabeth.³² Again in April 1862 he commented 'so far as Grahamstown is concerned I have (and still do) regard it as the thing needful to enable it to maintain the position politically - which it has hitherto, - or until lately - possessed.'³³ Whereas in 1857-9 Grahamstown had set her sights on separation and had regarded railways as of secondary importance, the political nature of the latter began to alter the emphasis. Clearly Port Elizabeth was moving closer to the Frontier camp as Grahamstown interest increased.³⁴ By 1860 this attitude had crystallised and the Graaff-Reinet Herald complained that Port Elizabeth was playing a double game. 'The fact is, that the inhabitants of Port Elizabeth are far more bound up with those of Graaff-Reinet than they can ever be with those of Grahamstown. The inhabitants of these districts can never have another port'³⁵ Port Elizabeth was fortunate for in the realisation that both Midland and Frontier relied almost solely on its harbour as their port, it could play one off against the other. It could support the side that seemed likely to gain the line, and as Paterson could say with confidence, 'we are always sure of Graaff-Reinet'. The Bay was thus free to support the Grahamstown line for it would draw even more trade to its harbour. The co-operation, albeit

³²R. Southey to Godlonton, 15-7-1859. Cape Archives.

³³Ibid., 10-4-1862.

³⁴On 14 May Stretch presented a petition signed by 400 inhabitants of Port Elizabeth in favour of a line to Grahamstown. V & P (H of A) 1860, p. 61.

³⁵G.R.H., 21-7-1860.

superficial, of the two towns in the Separation League seemed to increase the likelihood of this line. This was in spite of the fact that resolution 18³⁶ of the Somerset Convention called a halt to thoughts of railways until the question of separation had been settled. This entente between Port Elizabeth and Grahamstown might help to explain why the bait of Bay leadership of the League failed to bring in the northern districts especially Graaff-Reinet.

In 1860 Mundy had withdrawn his Bill for a Port Elizabeth-Grahamstown line but in 1862 the battle was re-opened. The failure of the League and moves for separation in 1861 had convinced many moderates that the next step was to gain as much in the way of public works for the East to increase its material prosperity vis-a-vis the West. Batches of petitions on the railway question were forwarded to Cape Town from the East for the 1862 session. Apart from those in favour of a line between Grahamstown and Port Elizabeth, there were those presented by T.H. Bowker against the sub-guarantee, and in favour of a line to the Kowie.³⁷ Graaff-Reinet prodded by its press, also responded with petitions for a line to Graaff-Reinet. One of these was signed by the Chairman and members of the Divisional Council. The result of the session was that, along with Bills for a branch line to Malmesbury, and one between Wellington and Worcester, a Bill for a railway between Grahamstown and Port Elizabeth was secured. It was to be constructed under the sub-guarantee principle. The financial

³⁶ See supra, p. 62.

³⁷ There was in addition a dispute between those who favoured the 'Valley Route' to Grahamstown (via Uitenhage, Tunbridge's and the base of the Zuurberg), and those for the 'Direct Route' (via Colchester and Sidbury). This was argued out in A Series of Articles, on Railways in the East. Reprinted from the Eastern Province Herald (Port Elizabeth 1862).

conditions of the 1860's prevented anything more than surveys being accomplished, but the rivalry between Midland and Frontier remained. Grahamstown was hampered by some of its die-hard conservatives like the Bowker brothers who denied that an Eastern railway could be a practical and paying proposition, and who refused to consider paying the sub-guarantee. In 1867 R.M. Bowker almost succeeded in getting a Railway Acts Repeal Bill through Parliament to remove from the statute book all proposed schemes for railways in the Colony. In addition the Frontier attitude for separation and against responsible government counted against it. Richard Southey's warnings to the Extreme Easterners against obstruction in the 1865 debate on the annexation and representation of British Kaffraria³⁸ were echoed in 1871 by T.B. Glanville³⁹ in regard to the responsible government Bill.

'Grahamstown wants a railway more than anything else. If the Grahamstown members irritate the majority in the Assembly by anything which can be called "obstruction" or "factions opposition" to a measure passed in the lower House, this city may whistle for railways, but will not get them.'⁴⁰ Thus even in the Settler City the pragmatists battled against the idealists. In the end neither the support of the Colonial Secretary for a line to Grahamstown, nor the earlier Act for that purpose swayed the Governor. In 1871 with the colonial treasury on a sound footing once more Sir Henry Barkly⁴¹ submitted his

³⁸R. Southey to Godlonton, 20-3-1865. Cape Archives.

³⁹Glanville took over the editorship of the Journal after Godlonton retired from the business. His daughter married Godlonton's only surviving son.

⁴⁰T.B. Glanville to Godlonton, 13-6-1871. Wits.

⁴¹Sir Henry Barkly (1815-98), was an experienced administrator when he became Governor of the Cape in 1870. He had held the Governorship of British Guiana (1848-53), Jamaica (1853-6), Victoria (1856-63) and Mauritius (1863-70).

plans for railway development.⁴² They included the long term venture of a line to the Diamonds Fields from Port Elizabeth. It was to travel via the Zuurberg and the Great Fish River valley. This meant a Midland trunk line with Grahamstown relegated to the terminal point of a branch line. In advising this route the Colonial Engineer had touched upon the problem of the Kowie.⁴³ According to him if a line were constructed from Port Elizabeth to Grahamstown, the whole Kowie project would lose its raison d'être. The solution would be, when finances allowed it, to build a Grahamstown-Kowie line to link up with the main line.⁴⁴ During the 1871 session a Bill empowering the Government to spend £30,000 on a line from Port Elizabeth to the Zwartkops River was passed. It was stated that the unfavourable gradient on the route to Grahamstown rendered such an undertaking too expensive. Thus in the long run Grahamstown fell between two stools gaining neither the main line nor a bustling harbour at Kowie linked to it by rail.

The rivalry over the seat of government in the event of either separation or removal was the chief cause of the East failing to get either of these. Uitenhage with a mixed Dutch and English population was acceptable to the Midlands whereas Grahamstown as a predominantly Settler town was not. The natural advantages of Uitenhage - its proximity

⁴²C. of G.H. Annexure. Appendix I, 1871 Vol. II. A 41. Minute with regard to the future Construction of Railways in this Colony.

⁴³Ibid. A 42. Enclosure of M.R. Robinson, C.E.

⁴⁴The main system from Fort Elizabeth to Kimberley was via Cradock. The line to Graaff-Reinet reached the town in 1879. Grahamstown was only linked to the junction at Alicedale in 1883, while the Grahamstown-Kowie line was completed in 1897. J. van der Poel, Railway and Customs Policy in South Africa 1885 - 1910, pp. 7-8 and map.

to the major port of the East and its plentiful water supply - were stressed as early as the 1820's by the Commissioners of Enquiry.⁴⁵ John Paterson was particularly keen for it to be the capital of all British South Africa and argued its case in his 1851 Dissertation. Port Elizabeth clearly favoured it but came up against the intransigence of Grahamstown. The latter's prime argument for the seat of government had been its proximity to the frontier. It had been a formidable argument, when the colonial boundary had been the Fish river, and in due course the Keiskamma. But the annexation of Kaffraria in 1848 and its defence in the war of 1850-53, ended the acute phase of frontier conflicts. Once Kaffraria ceased to be a separate crown colony and was transferred to the Cape in 1865 a new situation developed. King William's Town held the right if proximity to the frontier was to be the ratio decidendi. The rise in wealth and population⁴⁶ of other towns particularly Port Elizabeth meant that Grahamstown was no longer the metropolitan entrepôt for the up-country trade. The deflection of trade routes undoubtedly contributed to its economic decline. But Grahamstown still refused to yield and to declare support for Uitenhage in the hope of achieving separation or removal thereby. The decision by Sir Philip Wodehouse to call the 1864 session at Grahamstown gave its pride a boost even though the session produced the most bitter exchanges between Frontier and Midland yet witnessed in Parliament. Grahamstown had failed to realise that even the Frontier dependence on it was being outgrown as other districts

⁴⁵Records Vol. 27, pp. 361-2.

⁴⁶According to the 1865 census returns, the total population of Grahamstown was 5,950 of whom 5,263 were Europeans. The corresponding figures for Port Elizabeth were 11,633 and 7,120. C. of G.H. Annexures, Appendix I, 1865 Vol. II, A 68.

developed their own character and resources. Thus Cradock, the home of the separatist extremists in 1861-2, had become part of the Midland grouping by the end of the decade. Whereas Uitenhage left others to argue its merits, Grahamstown was not afraid to state the reasons that entitled it to be the seat of government. The reluctance to let Port Elizabeth lead the 1860-1 separatist agitation and the fear that the Bay would press too hard for Uitenhage as the capital, explained in part the lukewarm attitude of many Grahamstonians to the League. The failure of this phase of the movement and the obstruction tactics used by some members of Parliament exacerbated local antagonisms. For example the virulent Cradock-Grahamstown press war served to alienate many inhabitants of this traditionally loyal Frontier division. Geographically, Cradock occupied a position between the Midland and the Frontier groups, and by the end of 1871 the Journal was ready to classify this division politically as Midland.⁴⁷ By this time Cradock was in favour of responsible government while Grahamstown was violently against it. In 1870 Cradock had returned to the lower House, R.P. Botha, a firm responsible government advocate, and slowly his colleague, Scanlen, swung round to it. The latter actually seconded Molteno's motion in 1871 which included his own amendment expressing the expediency of a system of provincial governments.⁴⁸

Some of the old Frontier divisions began to feel, as the Midlands had long felt, that a Grahamstown clique was attempting to dominate

⁴⁷According to the Journal, the Midland Province consisted of : Port Elizabeth, Uitenhage, Cradock, Somerset, Graaff-Reinet, Richmond, Colesberg and Albert. G.T.J., 15-12-1871.

⁴⁸V & P (H of A) 1871, p. 88.

the province and foist Frontier views on it. They feared that Grahamstown was stultifying their effort in order to corner advantages for the Albany area. As the Midland towns developed, the Godlonton press exercised less influence, because local English medium newspapers were founded under local proprietors. The pioneer was the Graaff-Reinet Herald (1852) and others included the Cradock News (1858), Burghersdorp Gazette (1860), Colesberg Advertiser (1861), Somerset and Bedford Courant (1863) and Kaffrarian Watchman (1866). These became the agencies through which local grievances were voiced, and around which public opinion could cohere. The men these divisions returned to Parliament came also to reflect this rivalry more and more.

Narrow-minded localism and bias shown by most of the Eastern members in Parliament blocked many useful concessions. For as soon as a proposal seemed to give more immediate advantage to one town rather than another, group would oppose group, even though in the long run, the whole of the Eastern Districts would have profited thereby. Few proposals were considered on their merits. This point was cleverly driven home by Saul Solomon during the 1856 debate on Pote's separation motion.⁴⁹ He cut to the heart of Eastern grievances by proving that the East was a house divided against itself. He used division lists to substantiate his argument, and they proved how improvements were lost as a result of Eastern votes. For example, an 1854 motion for two puisne judges for the East was defeated 27-11; eleven Easterners voted with the majority against it and only six with the minority. The adverse vote was caused by the Midlanders fearing the seat of the Court would be Grahamstown, and, therefore, they voted against the

⁴⁹Adv & Mail, 3-6-1856.

motion altogether. The same thing occurred in the division on the Better Administration of Justice Bill. During the contentious 1864 Grahamstown session, the issue of an Eastern Court was once again raised. The Governor had initially proposed the Administration of Justice Bill, a measure designed to give the Eastern districts their own Supreme Court independent of the jurisdiction of the Western Supreme Court. The Court would consist of three judges with a full establishment. This measure had been narrowly defeated by a Western-Midland bloc 22-20. Undaunted Wodehouse introduced a less far-reaching reform Bill to establish a Court somewhere in the East consisting of two puisne judges. At once the ever-present localism reared its head. The Midlanders generally favoured that Port Elizabeth should be named in the Bill as the seat of the Court.⁵⁰ Ziervogel wanted both Graaff-Reinet and Port Elizabeth to have a judge apiece. The Frontier, fairly confident that the Governor would choose Grahamstown, called for the matter to be decided by the Governor-in-Council. The number of cases tried at each centre was produced, as was the geographical proximity of the various centres to each other, in order to prove the necessity of making either Grahamstown or Port Elizabeth the seat of the Court. But as the Attorney-General pointed out, the whole important issue of judicial reform had been overlaid by a petty quarrel between the two centres. He quoted figures to reveal that many more cases were settled in Grahamstown than at either Port Elizabeth or Uitenhage. The accusation of political greed so often hurled at Cape Town, was now thrust back at Grahamstown by Solomon. At the division, an amendment to name Port Elizabeth in the Bill was lost by the Chairman's casting vote. The

⁵⁰G.T.J., 25-6-1864, G.R.H., 2-7-1864.

split between Frontier and Midland was complete here - the seven members for Uitenhage, Graaff-Reinet, Colesberg and Port Elizabeth were weighed against the thirteen Frontier votes.⁵¹

On 1 May 1855 Paterson's motion to disallow the expenditure for the Lieutenant-Governor and establishment was passed 29-9 because twelve Eastern votes swelled the majority. In the 1857 debate on the same item Nieuwoudt, one of the Colesberg members, altered his vote merely because the member for Albany had given notice of a motion calling for the removal of the seat of government. The need for white immigration on a large scale to overcome the serious labour shortage was recognised throughout the province. The Graaff-Reinet Herald constantly called on the legislature to act in this direction.⁵² But when Pote supported a motion by Solomon on 1 April 1856 to authorise the Government to raise money for immigration, the members from the northern districts opposed it en bloc. Another issue on which local rivalry exerted its influence was postal services. In 1857 Richard Southey complained because the Colonial Secretary had given in to Paterson's clever plan which enabled Port Elizabeth to receive the Cape mail on a Friday morning and despatch replies the same evening.⁵³ This was greatly to the disadvantage of Grahamstown business houses which had to wait for the next post and thus were several days behind their Bay competitors. Districts vied with one another to get a more

⁵¹Chase, one of the Port Elizabeth members, was ill and had received leave of absence for the session.

⁵²In fact a Graaff-Reinet committee had been formed to bring out Dutch youths as emigrants. Members of the committee included J.F. Ziervogel, J.J. Meintjes, C.H. Grisbrook and J.L. Leeb - all present or future parliamentarians. G.R.H., 15-9-1855.

⁵³R. Southey to Godlonton 9-5-1857. Cape Archives.

regular postal service and, for example, Graaff-Reinet in 1862 petitioned for a twice weekly mail from Port Elizabeth via Paarde Poort. This rivalry extended into the field of roads, bridges, gaols, schools and even the number of constables. Solomon's criticism was fully justified for the rapidly expanding towns of the East were concerned largely with prestige and often a dog in the manger attitude prevailed if a benefit was offered. The only memorable occasion on which the Frontier and Midlands were able to work together as a Parliamentary team was during the 1865 session. They combined to oppose the British Kaffraria Annexation and Representation Bill. Richard Rutherford of Graaff-Reinet and George Wood jun of Grahamstown took joint command and whipped in their party. Even F.J.A. Watermeyer of Colesberg admitted how the West had attempted for years to use the Midlands against the East for their own selfish ends. However, this unity disappeared after Rutherford had been dropped by the Eastern party for supporting a move for responsible government.

Well might Scanlen lament that 'Eastern Province jealousies and local bickerings' were behind all the Easterners' troubles. The lack of co-operation effectively called a halt to any work or institution which would benefit all indirectly but one area directly. In this way there was always a party which would side with the West against the rest of the East in order either to get something for itself or to prevent someone else receiving the benefit. Historical and economic rivalries were easily translated into the political sphere. Thus though Graaff-Reinet might desire to be rid of Cape Town she would do all in her power to prevent inclusion in a province even nominally controlled by Grahamstown. It was for this reason that all moves for separation and removal ended as they did - in failure.

CHAPTER V

EASTERN CAPE POLITICIANS AT WORK

A review of the parliamentary tactics of the Easterners emphasises what had been apparent from the outset, namely that separation was a cause which divided more often than it united those who professed to support it. It may be argued that had there been a separate government for the Eastern districts, preferably in a federal pattern, the local politicians might have been more equal to facing local difficulties and less handicapped by geographical factors. The 1853 constitution had in some respects given consideration to the claims of the East although it had left the Eastern districts in marginal subordination to the West. In the House of Assembly the West was granted twelve constituencies and the East eleven - each returning two members. In the Legislative Council the West was able to return eight members and the East seven.¹ But the East was an area of relatively new settlement, where some districts especially in the northern parts had a new and shifting population. Here the bywoner was a common feature. There was no effective machinery for the registration of voters, and the necessity to watch the politics of remote Cape Town, meant that politicians looked west rather than to the rank and file of the rival hinterland.²

From the outset there was a great disparity in the size of the Eastern divisions as well as in the number of voters per constituency. Thus the extent of the Fort Beaufort electoral division was only 1,200

¹From 1866 the West returned eleven members to the upper House and the East ten.

²J.L. McCracken, The Cape Parliament, p. 35.

square miles and that of Victoria East 1,400 while Graaff-Reinet was 18,000 square miles in extent and Colesberg even larger at 20,000.³

These distances were unmanageable and made electioneering well-nigh impossible, particularly in the newly opened northern areas.

Electioneering was made more difficult because of the short time allowed between calling for nominations, and the day appointed for the election.⁴ In the case of the upper House this meant there was very little organised campaigning except in the larger towns, while in the short time available electoral pacts could not be arranged.

The result was both that the town predominated vis-a-vis the countryside, and that elections were poorly contested. The number of members returned unopposed did drop during the period of representative government. However, even at the height of the separatist agitation of 1860-1 the League did not put up a candidate to oppose F.S.

Watermeyer, a stranger from Cape Town, for a vacant Graaff-Reinet seat.⁵

According to the practice a nomination meeting for members for the House of Assembly would be held in each constituency at which the nominations would be called for, and the candidates asked to express their views. If more than two nominations were received a simple show of hands would decide the matter. Only if the unsuccessful candidate appealed and called for an election would one be held. The odds were that the loser would withdraw and thus prevent the bother of an election. As the meetings were usually in the hands of prominent townsmen it was likely that their candidate would win the

³H. Hall, Manual of South African Geography, Chapter II.

⁴C.N. 4-12-1863.

⁵See ^{infra} ~~supra~~, p. 130.

show of hands. As a result the farming community would have very little say in the choice of representatives to Parliament. The best example of Eastern apathy at elections would appear to be the 1859 Albany elections to the House of Assembly. Here the two members, Charles Slater⁶ and Samuel Cawood, were returned by the only four electors at the nomination meeting.⁷ The procedure for return of members to the upper House was different. There a requisition signed by twenty-five electors entitled the person requisitioned to stand as a candidate. Every kind of inducement had to be held out to prospective voters to get them to the polling station. These included transport to and from the place of voting as well as 'refreshments'.

The difficulty was as much getting men to stand for parliament as it was getting others to vote for them. The cry was always 'who is willing to go' rather than 'who is competent to go' or 'who will best represent our interests'. The inconvenience of being required to spend up to four months a year away from home and livelihood was sufficient to cool the enthusiasm of the most aspiring legislator. In addition there was a hazardous and most uncomfortable journey to Cape Town to endure, either by boat or post-cart. More than one Eastern member suffered the fate of C. Slater who was injured when the cart in which he was travelling home from the session in 1863 capsized.⁸ The result was that those elected, spent as brief a time as possible at the seat of government and usually managed to combine a business trip with their legislative duties.

⁶C. Slater was a member for Grahamstown (1857-8) and for Albany (1859-63).

⁷W.A. Richards to Godlonton, 15-1-1859. Wits.

⁸Quoted in J.L. McCracken, The Cape Parliament, p. 48.

The erratic attendance of the Eastern members in both Houses was a constant source of annoyance to their Western colleagues. The business particularly of the House of Assembly (where government bills were usually introduced first) was often held up for several weeks in the absence of the Eastern members. Even if they arrived in time they left early particularly after the fiftieth day of the session. The framers of the constitution in order to benefit members from distant divisions had provided both a travelling allowance of one shilling a mile and an attendance allowance of one pound a day for a maximum of fifty days. Thus when the pay ran out, some of the Eastern members did likewise.⁹ The result was that the Western members never knew when to introduce legislation. If they did so early in the session they would be accused by the East of attempting to legislate before they arrived; if they introduced it late the cry would be that they waited for the Easterners to leave. Quite apart from Western frustration, this haphazard attendance meant vital divisions would be called while Easterners were out of the House or out of town. Members failed to arrive to introduce motions standing in their name on the order paper, and the same occurred when measures of special benefit to the East were discussed. For example the debate in March 1858 on the Port Elizabeth harbour dues had to be postponed because neither of the members for that division had arrived in time.

One of the claims of the separatists was that the Midlands had to rely on Westerners to represent them in Parliament. Thus in 1858 and in 1861 the election of F.S. Watermeyer for Graaff-Reinet was slated both by the Journal and by the Graaff-Reinet Herald itself on

⁹By Act 6 of 1879 the period of the allowance was increased to ninety days.

the grounds that he had never set foot in the district.¹⁰ It was clear that although there were many wealthy farmers in the district, only men of leisure could afford to stand for Parliament and the East lacked such men. The 'merchant princes' of Port Elizabeth had the requisite standing and wealth but they refused to put their business activities to one side. It is then particularly interesting that Grahamstown which in the early sixties was still a thriving centre of business and trade as well as a garrison point, did find itself able to advance candidates. Grahamstown in particular took the pioneering spirit into Parliament. The accusation often made, namely that the Settler City attempted to dominate Eastern politics in this way, is easy to refute. Grahamstown could merely reply that if its residents did not stand for Parliament, the Province would go unrepresented and so lose by default the race for public benefits. The importance and divisive influence of localism has already been stressed,¹¹ and was particularly strong in Legislative Council elections.

The only attempt made by the East itself to remedy this erratic attendance by its members was in 1865 in the midst of the debate over the annexation of British Kaffraria and the general redistribution of electoral divisions. The obstruction and counter-obstruction moves considerably delayed the session and by the end of the second month the less affluent Eastern members were on the point of giving up and returning home. Uitenhage reacted first by suggesting that a guarantee fund be raised to support the members.¹² This move was taken up by

¹⁰G.T.J., 12-1-1858, 2-3-1861. G.R.H., 9-1-1858, 27-2-1861.

¹¹See Chapter IV.

¹²G.T.J., 7-7-1865.

Grahamstown, Queenstown and Cradock, all of which pledged to keep their representatives in pocket. Unfortunately this was an isolated instance and was never put into general practice. The Eastern separatists increasingly accepted the absence of their representatives from their parliamentary duties as a necessary evil. Although they did not blatantly condone it, the extreme separatists tolerated it and made out a case for it. The Journal editorial of 27 January 1863 expressed such an attitude,

'No one in this province has the right to condemn in any way the aversion of representatives to Parliamentary attendance. Instead of being surprised that Frontier members should prefer remaining at home, to exposing themselves to the personal inconvenience and loss of a Cape Town session, we must honestly say that our astonishment looks quite the other way - we are surprised that, in the conditions of life and society here, thirty men should be found who would be willing to brave so many difficulties, in the face also of those other disadvantages which encumber and annoy a minority.'¹³

The attendance figures of the Eastern members in the upper House (where they had the best chance of gaining a parity of votes) provide interesting statistics. Those for the first eight years were quoted by the Cradock News in April 1862.¹⁴ It sought to prove from them how the Eastern representation had been a sham since the resignations of Godlonton and his colleagues in 1857. The evidence is clear and the point is well made. Once again in 1864 the Journal looked at the past performance of the Eastern members for 1862 and

¹³G.T.J., 27-1-1863.

¹⁴C.N., 24-4-1862. See Appendix 6.

1863 as regards their attendance at the Legislative Council.¹⁵ Out of a total of 89 days for the two sessions, the figures were J. Cawood 40, S. Cawood 48, Tucker 36, Von Maltitz 23, Pote 45. Both George Wood and Godlonton attended for 66 days in spite of the fact that their elections were only confirmed in the middle of the 1862 session. Their endurance was favourably commented upon to the disadvantage of the other members. Except for Von Maltitz who came from Colesberg, the rest of the members mentioned above came from the settler bloc.

Erratic attendance at the rather short sessions of Parliament made it difficult to develop an esprit de corps except perhaps during the days of the Kennel, the Separation League Club in Cape Town. Another factor which handicapped the development of political maturity, was the high turnover rate. This was particularly the case in the lower House. In the period 1854-72 the East had a turnover of 109 as compared to the West which with more members had only 55.¹⁶ Taking the first two Parliaments, 1854-63, the contrast is even more striking - the East had 38 novi homines as against only six in the West. When however Parliament met at Grahamstown in 1864 the position was reversed. In that single year there were fifteen new Western members, while the East had only eleven. This is a clear indication that Westerners were even less prepared than Easterners to jeopardise business and comfort, for the sake of attendance at Parliament. It explains, albeit in part only, the Western objection to any plan to change the seat of government or to accept 'alternate parliaments'.

¹⁵G.T.J., 19-1-1864.

¹⁶See Appendix 7.

In the East itself the greatest turnover during the period of representative government was from Albert (thirteen), followed by Port Elizabeth and Port Beaufort (eleven each). The determining factor was not the distance for Colesberg, 540 miles distant from Cape Town,¹⁷ had a turnover of four, while Port Elizabeth with its eleven was a three day sea journey away from the seat of government.

The difficulty at Port Elizabeth was securing candidates and the scene at the 1859 nomination meeting there for the House of Assembly was only slightly worse than normal.¹⁸ W. Harries, J. Wormald and J.R. Philip¹⁹ were nominated and on a show of hands Wormald was defeated. At this stage Harries withdrew from the contest because there were two others willing to go to Cape Town. But now Wormald refused to stand and his refusal was followed by that of Philip, who, however, after much persuasion, was reluctantly persuaded to stand. The net result was that by the end of the evening, Port Elizabeth had however only one, not two members of Parliament. Hence the thriving port was reduced to returning C.L. Stretch of Port Beaufort as its member in 1860. In practice the problem was very often one of 'men not measures'. This is well illustrated by the case of John Paterson. An early and sincere advocate of responsible government he was nevertheless elected by a division which fought against it to the bitter end. However much Grahamstown might rail at the Bay for its 'unrepresentative' members, the Port Elizabeth residents refused to consider political leanings as more important than

¹⁷H. Hall, Manual of South African Geography, Appendix X : Table of Distances.

¹⁸G.T.J., 4-1-1859.

¹⁹J.R. Philip had been Paterson's partner in founding the Eastern Province Herald in 1845. He later established the Port Elizabeth Mercury which amalgamated with the Telegraph.

local prominence and a willingness to endure a session in Cape Town. This went even further at Fort Beaufort where William Stanton was elected to Parliament in 1859 even though he was generally known to be an insolvent and, therefore, disqualified to take up his seat.²⁰ The reductio ad absurdum had already been reached in Albany. In the previous year E.H. Dell had been elected on the pledge that he would not go down to Cape Town to assume his seat. He had moreover defeated Mundy, a supporter of public works for the East in particular a Port Elizabeth-Grahamstown railway, by 132-5 votes.

Although the constitution was colour-blind and non-Europeans could gain the franchise if they possessed the requisite qualifications, few availed themselves of the opportunity.²¹ The most notable exception was the division of Port Beaufort where the Kat River Hottentots were a political force. Among the first acts of the new Parliament in 1854 had been to call for the Report of the Commission of investigation into the causes of the Kat River rebellion of 1851-3. Those erf-holders who had actively participated in the uprising were dispossessed, but the majority were not, and thus retained the franchise as well. This touched the separatist movement inasmuch as the missionary interest to whom the Hottentots looked for advice, opposed the movement and preferred continued union with a supposedly more 'liberal' West. This interest was confronted by a white settler interest - a position which made Fort Beaufort elections exceptionally well-contested. Usually each side could return one of its nominees with the result that both members, although holding completely opposite views, claimed to represent Fort Beaufort. This was particularly

²⁰ T. Stringfellow to Godlonton, 10-2-1859. Wits.

²¹ J.L. McCracken, The Cape Parliament, p. 71.

true for C.L. Stretch and R.J. Painter during the first Parliament. The keenness of the Hottentots was commented on by the Journal on several occasions. In 1858 it remarked, 'This district appears to take more interest in the elections to the Assembly than any other in the Province'²² while in 1869 its correspondent noted how the 'uncultivated citizens' walked or rode up to thirty miles to the nomination court while the influential Europeans could not be bothered to ride five miles.²³

Although they did not succeed in establishing a sustained and continuing organisation, enthusiastic separatists tried - often in vain - to keep their representatives committed to the cause. Opponents likewise expected opposition to be consistent. Hence the aversion to the avowedly independent member. W.R. Thomson was accused of having Western leanings because he held a neutral position, judging each issue on its merits. Richard Rutherford was accepted as co-leader of the Eastern group in Parliament in 1865 although he was a Graaff-Reinet member. The separatist press sung his praises as a parliamentarian until he deviated from the separatist camp by supporting responsible government. Thereafter he was dropped completely as an unreliable Midlander. M.H. Benjamin, member for Port Elizabeth, who considered himself an independent member, retorted in 1864 that 'Everyone on his side of the House, Western as well as independent Eastern Province members, were insulted in every possible way if they dared to vote differently from the majority of the Eastern members. But his honourable friends opposite mistook him if they fancied they would excite him to resign his seat or go over to the Western party.'²⁴

²³ G.T.J., 17-5-1869.

²⁴ Great Eastern 24-2-1864. This quotation from the Great Eastern is more vivid than the paraphrase in the Journal.

²² G.T.J., 27-11-1858.

The conflicting political stances taken up by Painter and Stretch for Fort Beaufort has been mentioned. A similar case existed in Uitenhage where S.J. Hartman²⁵ and later D.J. Aspeling were staunch separatists while their colleague J.C. Krog was a thorough Midlander. The latter in rejecting the assertion that Uitenhage wanted separation, said that Hartman knew nothing of the district except what he gained in galloping through it on his way to Parliament. So too in Albert the same position came about between F.H. Hopley and D.J.E. Botma and led to much acrimony particularly during the League's campaign to win over the northern districts in 1861.

Situations like this in the Eastern Cape helped to provoke debate as to whether a parliamentary representative should resign if called upon to do so by his constituents. This came to prominence in 1861 when Stephen Mundy was called upon by a large Grahamstown public meeting to stand down because he would not support the separatist agitation. He refused either to attend the meeting or resign.²⁶ On the whole, however, members were virtually given carte blanche. In their requisition to William Southey²⁷ in 1858 the people of Graaff-Reinet specifically mentioned that they did not want to fetter his freedom of judgement at all. Public opinion rarely exerted itself to question a member's vote in the House and the Governor attacked this in 1869 in a message to the House of Assembly on retrenchment,

'Unless it be for the attainment of some purely local object, or to force on some piece of legislation coveted by a particular

²⁵S.J. Hartman was M.L.A. for Uitenhage (1854-7).

²⁶G.T.J., 2-3-1861.

²⁷W. Southey was M.L.C. for the Eastern Districts for 1858-9. He was a member of a famous settler family and was brother of Sir Richard Southey.

section, they [the constituencies] do not appear to expect from them [the representatives] any active line of conduct, any real attempt to impress upon the Government the adoption of well reasoned measures, with which they should be prepared to give it an intelligent and cordial support; obstruction of whatever may originate with the Government is by the constituencies regarded as the first duty of the members.²⁸ This accusation was met by J.G. Sprigg who quite apart from denying it, asserted that they were representatives and not delegates in any case. It does appear that as the debate on responsible government became more heated, the members did give a thought to the rumblings in their divisions. Nevertheless this was an exception to the general rule of non-interference with the member's right to vote as he felt conscience-bound.

Of great importance to all political groupings was the balance of parliamentary representation. The West had been given a small majority in 1853 and tenaciously clung to it. The Midland, under-represented from the outset, refused to countenance any other area gaining more members before its claims were met. In this way Godlonton's plans for enfranchising Queenstown as a separate division were effectively halted. It was this issue almost as much as economic links, that held the Midland grouping together. It felt that Grahamstown and its dependent areas were already overrepresented, and were attempting to speak for the whole Eastern Province. The separatists realised this animosity and attempted to win over the Midlands in 1860-1 by promising them equality of representation in a new Eastern Province separate from the West. Again during the 1865 debate on the Annexation and Representation Bill the Eastern Frontier

²⁸V & P (H of A) 1869, p. 92.

members used this argument to win over the Midland. They promised representation to Hopetown and Richmond and, therefore, acted as the champions of Midland interests. It was on this basis that the two groups co-operated during that single session. In fact all the Frontier wanted was equality of representation between East and West, and this could be achieved by granting the Midlands two additional seats. The alliance between the West and the Midlands was also broken for a time as a result. The long battle for responsible government was finally won in 1872 although the East had held out to the end. In a mood of satisfaction the Western 'party' led by Molteno gave in to the Easterners' claim for equality of representation. Thus the fiscal division of Wodehouse was constituted an electoral division in the same year.²⁹ The feeling that towns like Cape Town, Grahams-town and Port Elizabeth were overrepresented, especially in the upper House with the cumulative vote, grew. Finally in 1874 the Seven Circles Bill which transformed the mode of election to the Legislative Council was passed although it had required a general election on this specific issue to achieve it. It destroyed the old East-West cleavage in elections to the upper House. Seven new constituencies each returning three members replaced the two old provincial units.

It is suggested that the Eastern separatists were hindered not only by a lack of unity and by confused thinking, but also by the working of politics. With rare exceptions the electorate was apathetic, the calibre of members selected was poor while continuity was difficult to maintain. There were not only the difficulties caused by the remoteness of the seat of government at Cape Town, there were also difficulties within the Eastern Cape. There was little time

²⁹Act 7 of 1872.

in which to canvas adequately; outside the main centres polling was difficult, and farming activities were more pressing than casting a vote. Although divisions preferred to send local members, few local members could attend successive sessions and acquire experience thereby. In addition, unless interests were touched, localism prevailed. It would appear that it was only after the economic recovery following the discovery of diamonds, that popular politics was practicable on party lines. There is no doubt that responsible government and the issues of church and language greatly modified politics, but this was by no means unrelated to the quickening of political life which followed the diamond era.

CHAPTER VI

RESPONSIBLE GOVERNMENT AND THE
EMERGENCE OF JOHN PATERSON -
DEUS EX MACHINA or ^{is} ~~IGNIS~~ FATUUS ?

A common and repeated fault of the Eastern Cape separatists was their failure to grasp constitutional principles and to formulate proposals in line with them. When men like Godlonton, T.H. Bowker and Pote talked of federation and separation one feels that they were unsure of their footing. They knew what they wanted, but failed both in their attempt to translate the idea on to the order paper in an acceptable form and to convince the Imperial government that they were capable of administering a new colony effectively. There were no separatists who like Saul Solomon or William Porter could with trained and experienced minds bring forward constructive and carefully planned measures as well as pinpoint weaknesses in the arguments of the opposition. John Paterson, member for Port Elizabeth, might have proved the exception, but unfortunately he devoted only a small part of his time in the vital years of representative government to politics and parliamentary activities.

John Paterson was born at Rubislaw near Aberdeen in Scotland in March 1822. After completing his secondary education at Aberdeen Grammar School, he entered Marischal College in 1837. In 1840 he graduated as an M.A. and was inspired by James Rose Innes to come to the Cape under the new scheme to provide the schools with teachers. Paterson was seconded to Port Elizabeth where he arrived in June 1841.¹ The rapid development of the Eastern Cape and Algoa Bay in particular, inspired Paterson soon to branch out into other less academic pursuits.

¹For a fuller biography of Paterson, see P. Mollitt and E.L.H. Croft, One Titan at a Time.

In mid-1845 he took John Philip as a partner and started the Eastern Province Herald. Although Paterson wrote all the editorials, they were printed under Philip's name while the former worked out his government contract. From 4 January 1848 Paterson became 'sole Proprietor, Publisher and Editor' of the Herald.² He had already derived a considerable profit from land speculation and now ventured into the business world as well, opening a general warehouse in Main Street. In 1851 he was elected a municipal commissioner. Two years later, at the age of thirty one, he was elected chairman. Although his main interest was in developing Port Elizabeth, its harbour and its trade, his perspective was far wider.

In 1851 he had written a pamphlet on The Absolute Necessity of Resident Government in the Eastern Province, Cape of Good Hope, and on the Eligibility of Uitenhage as the site pointed out by nature herself for the Seat of the Supreme Power in British South Africa.

In this pamphlet Paterson showed the capacity for clear thinking which had so often sparkled in his newspaper editorials. In some respects his ideas echoed those of Sir Harry Smith, and anticipated those of Sir George Grey. He proposed the division of the Cape into three provinces, and its federation with the Orange River Sovereignty and Kaffraria. He rejected separation in favour of clear cut federation.

'The rivalries of commerce, the jealousies of dominion, imaginary or real aggressions and grievances, conflicting interests and resentful feelings, retaliatory legislation and evasive stipulations - these are some of the evils which would soon hand over to general

²Paterson wrote his last editorial on 6 October 1857 before selling the newspaper lock stock and barrel to Godlonton.

weakness and ruin, the separate and independent colonies of Great Britain in South Africa.'³

At the time the term 'confederation' was much in vogue and was held to imply a military and commercial league. He favoured complete federation with a strong central government which, while giving a measure of local autonomy, would have the necessary power to act with decision and consistency.

The years preceding the constitutional ordinance of 1853 and the introduction of representative government in 1854 had been years of lively political events in which Paterson had participated. During the anti-convict agitation of 1849 he had steered a via media between the extremists in Cape Town and the later reaction in Grahamstown. As regards the new constitution he fell out of favour with Godlonton by supporting the £25 franchise qualification.⁴ It was clear Paterson would judge each issue on its merits and decide on a course of action, however unpopular it might make him. Thus he refused to advocate complete separation but preferred a devolution of power. He also supported responsible government which made him the odd man out in the East.

In the first general election he was returned to the lower House with H.F. White to represent Port Elizabeth. There he set out to gain as much in the way of improvements for his constituency as he could. His efforts bore fruit as is evidenced by a resolution passed by the Port Elizabeth Municipal Commissioners on 8 November 1854,

'That the Board unanimously conveys its thanks to Mr Paterson for his able services during the present session of Parliament, and

³J. Paterson, Dissertation on the Absolute Necessity of Resident Government in the Eastern Province ..., p. 49.

⁴E.P.N., 27-3-1851.

in passing the following resolution beg to offer its acknowledgements to that gentleman for the great and public good he has conferred on Port Elizabeth, in having obtained titles to the respective grants for Beach, Hospital, Grammar School, and Native Strangers' Location, and in having effected the promulgation of the Amended Regulation,⁵ In fact before Paterson left for the second session in 1855 the Board appointed a Corresponding Committee to communicate with him on all matters of importance,

In his concern to secure Port Elizabeth benefits Paterson did not neglect the general questions of the day. During the 1854 session he sat on eighteen select committees, and among others, proposed a Bill legalising the issue of £1 bank notes (which was defeated in the Legislative Council).

On 5 April 1855 he moved in the House of Assembly a resolution, seconded by Molteno, 'That the experience of the first and present Sessions of the Cape Parliament fully justifies an expression of opinion by this House, that the immediate introduction of Responsible Parliamentary Government into this Colony is both expedient and necessary, - and that a Select Committee of the House be appointed to inquire into the best means for furthering this object....'⁶ This was accepted although the subsequent Report of the Committee was considered to be too far-reaching.⁷ Then on 24 April he called for the next session of Parliament to be held in the East at some suitable

⁵C. Cowen, Draft of an account of the life of John Paterson, MS 6481, p. 40. Cory Library, Rhodes University.

⁶V & P (H of A) 1855, p. 72.

⁷The Committee which drew up the Report favouring the introduction of responsible government consisted of J. Fairbairn, S. Solomon, J.C. Molteno, J.J. Meintjes and J. Paterson.

town. This was lost 15-21 at a division.

By 1858 personal and business affairs began to divert him from what had seemed a promising career in Parliament. The illness and subsequent death of his wife was among the reasons why he decided to leave the colony. He finally resigned his seat in the lower House in March 1858. On the eve of his departure he received a requisition to stand for the upper House. His reply stressed that he was about to depart for England but if, with this in view, the requisitioners were still determined to press him, he would stand. In the election he fared well and was returned to the Legislative Council third on the list behind Joseph Cawood and Pote. However, he never took up his seat. Between that time and 1871 he spent nearly all his time in England. It was unfortunate that Paterson should have been out of Cape politics during the agitation of 1860-2 for the League could have profited much from his constitutional knowledge and from his pragmatic bias. He was, however, approached to work for the separatist cause in England⁸ and with two others, gained an interview with the Colonial Secretary in November 1861 but to no avail. While in England he devoted much of his energy to banking. In 1862 he was instrumental in founding the Standard Bank and he became its first chairman.⁹ He also established with Joseph Barry the South African Irrigation and Investment Company. During the slump of the sixties, Paterson went insolvent though he quickly rehabilitated himself.

He returned to the Cape in 1871 and was invited to attend the sittings of the Federation Commission¹⁰ before which he also gave

⁸W. Harries to Godlonton, 17-11-1860. Wits.

⁹D.B. Amphlett, History of the Standard Bank of South Africa Ltd., p. 3.

¹⁰See supra, p. 91.

evidence. In 1872 the Cape was granted responsible government and the following year Paterson returned to politics when he was elected to the House of Assembly for Port Elizabeth. This was to the advantage of those moderates in the Eastern Province who advocated the idea of a provincial government for the East but without the finality of complete separation. Port Elizabeth, for example, had only joined in the separatist agitation as a means to forward its demand for a greater degree of local autonomy. This was particularly for some say in the way the revenue raised from its harbour was spent. The Eastern Province Herald expressed this local attitude in an editorial in March 1873,

'so long as Eastern Province interests are advocated with intelligence, consistency, and ability, so long as Local Self-Government is secured to this Province and the command of its own revenue and expenditure is conceded, it matters little whether Federation or Separation be the means to that end.'¹¹

For the most part local ideas about federation, its organisation and geographical extent, were no more mature in 1871 than they had been in 1859. To prove the point for 1859 one need only quote a reply by P.J.A. Watermeyer, M.L.A. for Colesberg, before the Select Committee of that year¹² - 'To be candid, I do not know, at present, what federation is, therefore I would rather not give an opinion on the subject at all.'¹³

Although the Federation Commission of 1871 had not at the time

¹¹E.P.H., 11-3-1873.

¹²See supra, p. 43.

¹³V & P (H of A) 1859, Appendix II. Report of the Select Committee on British Kaffraria and Frontier Government, p. 46 - reply to Q. 268.

evoked widespread support, the seven members of the Commission had probed into the question very closely and despite different views, had agreed in substance on the Report. This had led to more discussion in the press but major excitement came when in April 1873, less than a year later, John Paterson published his draft Bill in the Government Gazette.¹⁴ Even Godlonton and the Journal were prepared to accept the leadership by Paterson of the Eastern Province 'party' when his Bill was published. This was despite the fact that Godlonton had been critical of much of Paterson's evidence and suggestions before the Federation Commission. Here was 'a definite and detailed measure ... for consideration.'¹⁵ In 1873 when William Knight resigned his seat in the House of Assembly for Port Elizabeth, Paterson was elected to replace him. The Bill for Establishing Provincial Governments in the Colony of the Cape of Good Hope was to be introduced by the Honourable Mr. Christian in the upper House but it clearly bore the impress of Paterson's hand.

The draft Bill shows a firm grasp of constitutional law and principles. It endeavoured to draw a clear and workable line between the powers of a central federal parliament and the functions of the units making up the federation. The balance of powers as in the case of the British North America Act was in favour of the central government. While as an exercise in constitutional forms the proposed Bill was very sound, when the design came to be fitted to the peculiar problems of the Cape it was here that discussions and difficulties emerged much as they had done in the Commission of Enquiry. In the first place was the problem of the areas into which the colonies

¹⁴G.G., 18-4-1873.

¹⁵G.T.J., 4-4-1873.

would have to be divided to form the provinces; and secondly, a point which Godlonton had laboured in his objections to the Report of 1872, namely that the boundaries of the Cape had not necessarily reached their final form.¹⁶ Whereas in 1860 in spite of the moves of J.F. Ziervogel and J.J. Meintjes, opinion had been fairly solidly in favour of a two province structure,¹⁷ now a decade later the balance of opinion was in favour of a three province structure. There remained then the difficulty of trying to make an equitable and viable division into new units : this proved insuperable.

The Bill can be conveniently divided into six sections : the form of the provincial governments; their area of legislative authority; the constitutional relationship between the federal and provincial governments; the form of the federal government; the role of the judiciary; and the territorial divisions.

Each of the three provinces would be provided with a unicameral legislature of not less than twenty-one members elected on the same basis as members of the House of Assembly and on the same franchise.¹⁸ An elected president would preside over its sittings and ten members would constitute the quorum. As chief executive figure and representative of the Queen, there would be a Lieutenant-Governor in each province. He would be nominated by the Governor and confirmed by the Crown. Moreover, he would have a five year term of office, not at the pleasure of the Crown. In this way the Governor would be able to

¹⁶ See: A.J. Bösseken, *Geskiedenis - Atlas vir Suid Afrika*, Map 64. This shows the gradual annexation of the Transkeian Territories, Griqualand East and Pondoland.

¹⁷ See *supra*, pp. 49-51.

¹⁸ The franchise was occupation for twelve months of premises worth £25 per annum or a salary of £50 or, with board and lodging, £25.

appoint a man who had some knowledge of, and experience in, the province over which he was placed. Also, if necessary, the Governor could remove a Lieutenant-Governor after his term expired if found to be out of sympathy or even in direct conflict with the provincial executive. In this Paterson drew somewhat from the British North America Act where a five year term was in existence but where in addition the Lieutenant-Governor could be dismissed before the termination of the period for various reasons which were to be assigned to Parliament within a week. As A.B. Keith said for Canada, 'The real position of the Lieutenant-Governor is that he is the wielder of the executive power of the province in its entirety just as the Colonial Governor wields the power of the Colony.'¹⁹

Although this language might be too strong for the Cape, nevertheless he stood in the same relationship to the Governor as the latter stood toward the Imperial Government. With Paterson long an advocate of ministerial responsibility, it was not surprising that the provincial executives were to work as the Cape executive had worked since the grant of responsible government in 1872. In naming the actual officers - Principal Secretary, Minister of Finance and Minister of Public Works, Paterson clearly foresaw the prime functions of the provincial governments which were set out in section XV. Their powers were closely related to meeting local needs by local government. Each province was responsible for its own public works namely roads, bridges, railways and irrigation works as well as the provision of local services such as schools, hospitals, asylums and prisons. The management of Crown lands and the terms on which they should be made

¹⁹A.B. Keith, Responsible Government in the Dominions, Vol. II, p. 656.

available, control of local police and livestock regulations also fell within the ambit of this power.

In April 1873 the great age of railway expansion in southern Africa lay in the future. But railway development was already a subject of major speculation, and it was unwise to have proposed provincial control of railway lines and risk the growth of three uncoordinated systems in the Cape. This, as well as the question of loan flotation, evoked critical comment.

From the beginning, among the main arguments for separation had been the wish of the Frontier districts to control and develop what they considered to be a more realistic pattern of race relations. The Western Province had often been accused of a bland and ignorant philanthropy and the Imperial government in its turn of ignorance and lack of interest. Relations with extra-colonial natives were the responsibility of the High Commissioner, and laws affecting the native population had been reserved to the Imperial government at the grant of responsible government. While necessarily leaving relations with independent native tribes in statu quo Paterson was prepared to give provincial governments the power to frame laws of master and servant, and of apprenticeship.²⁰ It seems undeniable quite apart from the constitutional safeguards secured by British sovereignty, that the system would have been strained to breaking point. In the first place, questions of race relations would have become subjects of acrimonious debate in the central parliament. Secondly, a province having resolved on a policy would resent having to modify it. Moreover the policy was impracticable for the Diamond Fields already attracted migrant labour on an almost trans-continental scale. It

²⁰Section XV (10) of the Bill.

was impossible as was seen in the confederation plans of 1875 and when the Union of South Africa was created, to visualise a plurality of labour policies.

In order to execute their legislative and administrative powers, the provinces were given by section XVI the revenue from various sources. Here the only controversial point - but perhaps the cause of most opposition directed against the Bill as a whole - was that relating to the customs duties or octroi. Sub-section 8 provided that the provincial governments should receive,

'all moneys derived from the octroi or Customs duties collected at the port or ports of the province, beyond the proportion of such duties which shall be fixed by the Colonial Parliament as sufficient to meet the necessities of the General Government.'²¹

This meant in practice that after the deduction of the fixed proportion, the Midland would be entitled to all the Port Elizabeth customs duties. The revenue derived from imports travelling up to the Transvaal, Orange Free State, Victoria East, Fort Beaufort, Albert and other non-Midland districts would be available for the Midland Government to spend on its own public works.

In Paterson's reply to those wishing to nominate him for Parliament in 1875, he also enlarged upon his railway plans.²² They provided for each port to receive half of its surplus customs duties to spend on railways. This obviously meant Port Elizabeth extension to the detriment of East London. So strong was the feeling against this scheme that even the Journal stated that either railway plans or the Bill for provincial governments would have to be altered.

²¹Section XVI (8) of the Bill.

²²G.T.J., 17-5-1875.

It recommended an alternation in the railway measure to the effect that a drawback be given to a province which contributed towards the customs revenue of another province but without using its public works. These funds could then be utilised for the former province's own enterprises. It is clear Paterson had made a volte face on this point since his 1871 evidence, when he said,

'I mean that the customs revenue of the ports should belong to and be under the sole control of the General Government; that indeed they should be the common property of all the provinces, equally free and equally open to all, under the protection of the Central Government.'²³

There is no record of Paterson's railway plan ever being put before Parliament.

Section XVII was the crucial article in the demarcation of powers. It stated - 'The subjects on which the Provincial Assemblies shall be empowered to legislate are clearly specified in the classes thereof set forth in the fifteenth section of this Bill.'

The provincial governments were allocated specific and stated areas of power while the central government possessed all the residuary powers. It was on this point that Paterson again followed the Canadian federal system as suggested by the Secretary of State, Earl Kimberley, in his despatch to Barkly of 17 October 1870.²⁴ In Canada because of the American Civil War, the British North America Act of 1867 had been careful to give all residuary powers to the federal government.²⁵

²³Report of Commission on Federation (Cape Town 1872), p. 6 - reply to Q. 27.

²⁴P.P. XLVII (C459), p. 46. Kimberley to Barkly, 17-10-1870.

²⁵A.P. Newton and J. Ewing, The British Empire since 1763, p. 57.

This delineation would settle from the outset the question of who would have the upper hand in the new scheme - the provinces or the central authority. Harries had considered in 1859 before the Select Committee that only half-a-dozen questions should be reserved to the central government, as in New Zealand. Among these should be customs dues and national defence. In this case the local governments would be in the ascendancy, while the central authority would have narrow and circumscribed powers. In Paterson's 1873 Bill all power rested with the centre unless otherwise specifically stated, and in case of doubt, the benefit always rested with the central authority. The supremacy of the central parliament was emphasised in section XXII where although the provincial assemblies might repeal pre-federation Acts insofar as they were repugnant to, or impinged upon the powers then assigned to the provinces, they were still subordinate to the colonial parliament - 'all legislation of the Provincial Assembly is to be subordinate to the legislation of the Colonial Parliament, as the latter is subordinate to the legislation of the Imperial Parliament.'²⁶ The federal parliament was also given the right by the same section to amend or repeal any provincial legislation and to subtract from its powers, all by the instrument creating the new system. Every effort was made by Paterson to bring the provincial and federal governments into an effective relationship with one another. This was achieved by creating the provincial assemblies electoral colleges for the Legislative Council, and by retaining in the hands of the Governor all chief appointments including those of the Lieutenant-Governors.

In his expressed desire to keep the federation as simple as

²⁶Section XXII of the Bill.

possible, Paterson retained the form of the central government except for the mode of election to the Legislative Council and its composition. By allowing the provincial assemblies to elect the upper House, many benefits would accrue. Not only would the men elected be of high standing and experienced, but the provincial assemblies would feel a special relationship to the upper House. Following the American example, the principle of equality of representation in the Legislative Council was submitted. Thus by section XXIII each of the three provinces would return seven members. J.S. Mill in his chapter on Federal Representative Governments supports both these principles. The former 'precludes any undue power from being exercised by the more powerful states over the rest and guarantees the reserved rights of the State Governments,'²⁷ while the latter provision encourages the provinces to elect eminent men to represent them in the upper House. Yet exactly this equality of representation was denounced by Paterson two years earlier when he had recommended a ratio of seven Westerners, five Midlanders and five Easterners. He declared then - 'I am of opinion that the representation of Provinces in the General Legislature should always bear some proportion to the population and wealth of the provinces they represent.'²⁸ In this change of policy he may have been influenced by Scanlen's Bill of 1872 which gave two members to Wodehouse thus securing equality of representation between East and West even though the East possessed only 14,483 voters as against 20,905 for the West.²⁹

²⁷J.S. Mill, Representative Government, Chapter XVII, p. 128.

²⁸Report of Commission on Federation, p. 9 - reply to Q. 39.

²⁹J.L. McCracken, The Cape Parliament, p. 21.

The judiciary in any federal system is of especial importance and as Mill states,

'it is evidently necessary not only that the constitutional limits of the authority of each [State] should be precisely and clearly defined, but that the power to decide between them in any case of dispute should not reside in either of the Governments, or in any functionary subject to it, but in an umpire independent of both. There must be a Supreme Court of Justice and a system of sub-Courts in every State of the Union, before whom such questions shall be carried and whose judgement on them, in the last stage of appeal, shall be final.'³⁰

Along this principle Paterson formulated the federal judiciary for the Cape. At least three judges would constitute a provincial Bench at each of the capitals and fulfil the role of the pre-federation Supreme Court. With appellate status a Supreme Court of all the judges in the Colony was established. Obviously, as a result of distance, not all of them would be able to sit together but section XXVII stipulated that at least one judge of each provincial Bench should sit on any case brought on appeal. Thus the Supreme Court of the Colony with a quorum of five would be constituted.

As has been mentioned above, by the early seventies the mood was for a tripartite division if federation should be agreed upon. The complicating factor had been the Midlands, a political grouping of considerable influence. Allied to the West by linguistic, cultural and particularly family ties, yet relying commercially on an Eastern Province harbour, it desired to retain an identity of its own. This was borne out by the words of Ziervogel, its parliamentary

³⁰J.S. Mill, Representative Government, Chapter XVII, p. 128.

leader -

'If the colony is to be divided into separate colonies, we must consider that there are a diversity of interests between the extreme western and midland and the extreme eastern parts.'³¹ Paterson used this as his yardstick when drawing the provincial boundaries. In fact as he cogently pointed out, there could be no such thing as a federation of only two states for it would lead immediately to a territorial majority and minority. Two major objections were raised to the proposed demarcations : the exclusion of parts of George, Beaufort and Oudtshoorn from the West and secondly, the inclusion of Albany and Grahamstown in the Midland province. It had in fact been Ziervogel in his evidence before the Select Committee of 1859 who had mooted the idea of a portion of these central western districts being included in the Midlands, and he was supported by Painter and Harries. This was obviously because of a common activity in sheep farming : the great wool-producing division of Beaufort had links with Graaff-Reinet and its trade route ran naturally down to Algoa Bay. In his three province demarcation, Paterson roughly used the Gouritz River and the 22 meridian line as between the Western and Midland Provinces; the Great Fish and Koonap rivers were to be the border between the Midland and Eastern Provinces.³² To the former arrangement the old West naturally objected for it would mean the removal of seven of its wealthiest districts.

The problem of Albany remained. In his evidence before the Federation Commission Paterson had recommended the inclusion of

³¹V & P (H of A) 1859, Appendix II. Report of the Select Committee on British Kaffraria and Frontier Government, p. 115 - reply to Q. 623.

³²Sections II, III and IV.

Albany in the Eastern Province but in the Bill it appeared in the Midland Province. But he had stated that in the event of Kaffraria refusing to accept Albany, or the latter refusing to cut its links with Port Elizabeth 'a new division from the Fish River might be run.' The proposed inclusion of Albany in the Midland Province did nevertheless cause concern to the old Midlands grouping which regarded the Grahamstown 'clique' as seeking a two province division in which the influence of the Midlands would be discounted. Albany was like a shuttlecock edged here and there, since neither King William's Town, as the likely political capital of the proposed Eastern Province, nor Graaff-Reinet, the likely capital of the proposed Midland Province, welcomed a grouping with it. Hence the Fish river had been proposed as the dividing line. The Eastern Province was seen as extending in due course over the Transkeian territory until its boundary marched with Natal.³³ Since at that juncture Basutoland³⁴ was still administered by the Cape it was thought it would also probably be included. The reaction of Albany to being situated in the extreme Eastern Province could have been foreseen since it had taken the brunt of three frontier wars. Godlonton in particular was sensitive on this point. Theoretically its compensation would lie in its accessibility to the hinterland trade to the Free State and through the Transkei, and in the greater area of Crown lands which its provincial assembly might come to control.

³³The Transkeian territory was annexed to the Cape in 1879. Act 38 of 1877 for the purpose was reserved by the Governor until his Proclamation of 15 August 1879 which effected the annexation.

³⁴Basutoland was returned to the Imperial government in 1884 after severe rivalry among Basuto chiefs had endangered the security of the Orange Free State.

It is noticeable that Paterson, one presumes intentionally, omitted to name either the provincial seats of government, or the federal capital. In this he succumbed to the mistake made by all previous proposers of federal schemes as well as that which constituted the chief fault of the Somerset Convention. Here one may, however, surmise his personal preferences from his 1871 evidence. Provincial capitals he suggested then were Cape Town for the West, Uitenhage for the Midland, and either Grahamstown or Fort Beaufort for the East (he preferred the former). In the 1873 Bill all three could have been easily re-affirmed except for the complicating factor of Albany which now appeared under the Midland Province. Grahamstown would undoubtedly challenge the position of Uitenhage but with a predominance of the old Midland group it would doubtless fail. This would leave Fort Beaufort and King William's Town to fight for leadership of the proposed Eastern Province.

As regards finance, the provision of section XV(9) that provinces might raise loans for public purposes on the security of any of the provincial revenues could have led to complications. But read in conjunction with Paterson's reply to question 42 of the Federation Commission, the matter can be settled. Here he asserted that if the loan was for a work the benefit of which was for the whole colony, the federal government would be responsible. If the work was of a purely provincial nature for its own use, the province would bear the responsibility for the debt.

Another problem not faced by the Bill was the public debt. Looking at the Bill in vacuo it would appear that the federal government would care for it under its residuary power as no mention is made of it in the sections describing the provincial governments'

sphere of authority. In his 1871 evidence Paterson had stated, 'The existing debt of the country, I think, should be the debt of the General Government.'³⁵ However, in reply to a question from Godlonton about the railway guarantee debt, he replied -

'where there is a specific debt created for a specific work benefitting only one Province, and borne at present by the General Government, such specific debt, created for such specific work, should henceforth be borne by the Provincial Government to which that work is made over.'³⁶

He hoped that the non-apportionment of the public debt would not be inequitable if taken together with section XV(3) which gave each province control of its own Crown lands. Thus, for example, the proposed Eastern Province though without large public works would be compensated by its vast Crown lands. On the other hand the West to whom the mass of the public debt might have been apportioned, had the least extent of lands to dispose of. In this way it was hoped a compromise would be found.

Looking at the proposed provincial governments system as a whole, one cannot fail to realise how it would have hampered Cape development. The duplication of services in a federal arrangement would cost the colony dearly in manpower and in public expenditure. The total white population of the entire Cape at the 1865 census was a mere 181,592³⁷ of whom there were only 58,320 white males who could read and write.³⁸ On the other hand there were 314,789 non-Europeans.

³⁵ Report of Commission on Federation, p. 11 - reply to Q.42.

³⁶ Ibid., p. 17 - reply to Q. 59.

³⁷ C. of G.H. Annexure G 20 of 1866. Census of the Colony of the Cape of Good Hope 1865, p. 11.

³⁸ Ibid., p. 62-3. Both sets of figures exclude British Kaffraria.

Of these there were 7,287 males who could read and write, and 7,164 who could only read. The vast majority of the non-Europeans were without the property qualification and, therefore, did not possess the franchise. In effect then, particularly since there were no expressed guarantees for African landholders in the Bill, the new provincial system might have established the apparatus for exploitation. On the other hand there was the cost of maintaining four administrative bodies to control a mere half a million people. The Cape simply did not have the manpower to run it and the figures for educated whites bear this out. When the difficulties enumerated above of the division of areas, the master and servant legislation and the customs arrangements are added to this argument, the feasibility of Paterson's system is brought into doubt. Notwithstanding, it was the first planned scheme backed by constitutional understanding to be brought before the Cape Parliament in a form which might have provided the local devolution of power so long pressed for by the East.

The Bill received its first reading in the Legislative Council on 24 April but was allowed no chance to prove itself for on 5 May G.J. de Korte moved for its discharge on the grounds of ultra vires. The arguments advanced were, firstly, that according to Earl Kimberley's despatch of 16 November 1871³⁹ the Cape Parliament had no authority to divide the colony without Imperial legislative assistance; and secondly, as revenue provisions were included in the Bill, they would have to originate in the lower House according to section 88 of the Constitution Ordinance. On 5 June Paterson himself introduced two resolutions into the House of Assembly. They expressed confidence in a three province federation to promote local self-

³⁹P.P. XLIII (C 508), p. 13 Kimberley to Barkly, 16-11-1871.

government and requested the Governor to introduce a Bill to this effect. Here Saul Solomon's scathing criticism came into play as he proposed an amendment to negative the resolutions. He felt it was inexpedient to express an opinion on an 'abstract proposition' but promised that he would 'be prepared to decide upon any Bill or Resolutions submitted to the House which shall set forth the principle and details of Local Self-Government....'⁴⁰ He advised delay until responsible government had been tested, and suggested it was the charge of the administration, not that of a factious group, to introduce such a Bill if it became necessary. Ably countered in both Houses, the federal proposal lay on the order paper for the rest of the session until it was discharged on 25 June. De Korte's objections had taken the federalists by surprise and their plans were thrown into confusion. As the Journal's parliamentary correspondent wrote,

'The venerable Councillors were in a vast hurry to throw the Federal Bill aside. The name of Lord Kimberley operated like magic. Poor Chase, who had fathered the Bill in the absence of its champion, Mr. Christian, and was prepared to do battle on a large scale, struck his colours and made a most ignominious retreat but there can be no doubt it will again put in an appearance and undergo a discussion.'⁴¹ It would appear that insufficient forethought and planning had gone into the strategy for the parliamentary session. Paterson was aware of the constitutional complications involved for he had clearly stated in replies to two questions posed by the 1871 Commission,

'I am of opinion that this scheme of Federation which I am

⁴⁰V & P (H of A) 1873, p. 227.

⁴¹G.T.J., 19-5-1873.

describing can only be carried out by an application to the Imperial Government, for it will involve powers which I believe only belong to the Imperial Legislature' - and later, 'I imagine the course would be for the Colonial Parliament first to move by resolution, or otherwise, and so to convey to the Governor and his Executive their desires.'⁴²

It would have been more sensible had the federalists published their exact plan in some form other than a Bill and so invited general opinion on it. Thereafter resolutions could have been moved in Parliament approving the principle. It was also unfortunate that the two main proponents of federation, Paterson and H.B. Christian, both arrived late for the session, on 12 and 13 May respectively, the House having been in session since 24 April. Both Paterson's personal standing in the House and his oratorical skills impeded the movement for federation. He was not highly regarded in the West, while many of the Easterners regarded him as hare-brained, an adventurer and even an outsider interfering in Cape politics. He had been out of the colony for most of the period 1859-71 and so was in some respects, an outsider. As for his speaking ability, he tended to let emotionalism get the better of rationalism and on occasions he would go on tirades in an unmodulated tone. By the time he came to propose his resolutions, the House had already been subjected to his utterances on the Seven Circles Bill,⁴³ his 'Quixotic' speech on the Estimates and his resolution for equalisation of the expenditure between East and

⁴²Report of Commission on Federation, p. 9 - replies to Q.37 and Q.38.

⁴³This Bill introduced into Parliament in 1873 was thrown out by the Council. It was finally secured the next session after a general election.

West. As the Journal wrote of his speech on the Estimates,

'But Mr. Paterson knew well enough that what he said was all buncombe, that he was doing it all for effect, but his grand pyrotechnic display was a sad, a miserable failure...Mr. Paterson has admirable ability and talent, but it is a pity to see it so mis-directed.'⁴⁴

It was unfortunate that Paterson should have waited so long before putting forward such a practical proposal because with the arrival of responsible government, though the Imperial government advocated federation to relieve local grievances in the Eastern Cape, the West would not countenance it. In addition the influence of J.G. Sprigg⁴⁵ in Kaffraria and the lukewarm attitude of some Midlanders, coupled with Molteno's attitude, militated against it. In more auspicious times, namely when Grey advocated it, or as an alternative to complete separation in the early sixties, it might have had a chance of success. The securing of responsible government in 1872 had been a triumph for Solomon and Molteno, both firm and long-standing opponents of any kind of separation. They were certainly not in 1873 prepared to support the principle of provincial governments. The financial recovery of the colony resulting from the diamond discoveries, drew public attention away from major political changes. The failure of Paterson's proposals came twenty-two years after he had included an appendix entitled 'A suggested form of constitution for the various South African states' to his Dissertation on the Absolute Necessity of Resident Government in the Eastern Province.... Therein he had discussed the various forms of government and settled on federation as the solution.

⁴⁴G.T.J., 26-5-1873.

⁴⁵As leader of the Kaffrarian group in Parliament, Sprigg was prepared to give responsible government a chance to prove itself.

If the amount of work that John Paterson put into the federal cause before the 1871 Federation Commission and in drafting the Bill of 1873 be taken into consideration, then it can be understood that he was the natural leader and strongest supporter of Imperial confederation in 1875. Lord Carnarvon regarded Paterson as the ideal future Prime Minister of the Cape⁴⁶ and in fact nominated him as Eastern Province delegate to the confederation conference in London in 1876 which was, however, boycotted by the Cape ministry.⁴⁷ Possibly he lost his chance of the premiership because of his absence in London in 1878 at the time when Sir Bartle Frere, the new Cape Governor, dismissed the Molteno ministry. While returning to the Cape in 1880, Paterson was twice shipwrecked and on the second occasion was drowned.

His obvious skill as a financier and his insight into some of the major problems facing the Cape cannot be doubted. Unfortunately he lacked consistency and the ability to build up around him a group of politicians who could work together to achieve some of his aims. Many of his schemes were visionary such as his railway and irrigation proposals which would be taken up later. His lack of moderation in parliamentary debates and his monotonous tone caused many of his ideas to fall on deaf ears. He never devoted himself to one sphere of activity for very long as he moved to and from the Cape engaged in business, finance and politics. The result was that he was regarded as 'Jack of all trades but master of none' and Cape politicians on

⁴⁶P.A. Molteno, The Life and Times of Sir J.C. Molteno, Vol. I, p. 341.

⁴⁷For Paterson's part in the whole confederation debate, see C.F. Goodfellow, Great Britain and South African Confederation 1870-81.

occasions resented his intrusion, feeling perhaps justly that he was more a foreigner than a Cape colonist. In spite of this he always attempted to guide his adopted country along the road both to economic prosperity and political self-sufficiency. This he attempted by his banking and financial activities, and by his early support for the principle of responsible government.

CONCLUSION

The so-called separation movement was one of the lost causes of Eastern Cape history. Except for the brief years of its Lieutenant-Governorship and as an electoral division for the Legislative Council (1854-74), the term Eastern Province has never had a political identity demarcated from that of the rest of the Cape. Today the term Eastern Province is used mainly in the press and in relation to sport. It hardly even merits the term geographical region. As J.V.L. Rennie has pointed out, it is more the historical background than the climatic or topographical characteristics of the area which have tended to make the Eastern Province a unit.¹

In the nineteenth century the Western Cape had a more stable population which had expanded gradually from the shores of Table Bay. On the other hand, the Eastern Cape may properly be regarded as a new territory dating administratively from the creation of the Graaff-Reinet district in 1785-6. Apart from a new political configuration the East developed new economic interests. These were notably the up-country trade and from the 1830's Merino sheep-farming and wool production. A dominant theme was the frontier wars which created their own myths, prejudices and tragedies. On the European side of the moving frontier, one between interdependent groups, the warfare built up a group solidarity and consciousness. Dutch as well as English had suffered, and had shared experiences of a common foe. However, gradually economic interests and divergent lines of commerce cut across these older more emotive bonds. Thus the Midland versus Frontier alignment arose;

¹J.V.L. Rennie, The Eastern Province as a Geographical Region (South African Geographical Journal, Vol. 27, 1945).

Graaff-Reinet looked to Port Elizabeth for support while the latter scorned the Kowie venture supported by Grahamstown and regarded East London as a strong competitor for Eastern Province trade.

By the late sixties Grahamstown, once the entrepôt and 'metropolis' of the East, had lost its commercial lead. The emergence and jealous localism of new towns and villages had helped to achieve this. Yet the citizens of Grahamstown continued to play a large and perhaps disproportionate rôle in the politics of the East with the result that separation tended to ^{be} associated, more by accident than by intent, with a conscious Englishry, ^{then} ~~than~~ geographically with Albany and more particularly, Grahamstown.

The term 'separation' covered a variety of meanings. What it meant at any particular point in the period under discussion depended on issues no less than on politicians. The result was a failure to combine to achieve one specific form of constitutional change. Federal devolution, complete separation into a new colony and 'resident government' with an effective Lieutenant-Governor all had their supporters in the East who vied with one another as formulators of Eastern Province policy. These divergences were easily exploited by skilled Western politicians thereby revealing the East as 'a house divided against itself', as Solomon once called it.

The only occasion on which some definite form and direction was given to the separatist movement, was in the 1860-1 period. The Separation League, despite its internal conflicts, provided the movement with a 'habitation and a name' and increased its parliamentary effectiveness. But at the point when the Eastern Province came the closest to achieving some local devolution of power, namely in 1871, a trough of indifference met the work of the Federation Commission.

The diamond rush has begun. When belatedly in 1873 John Paterson drafted his Bill, he was virtually an uitlander flogging a dying horse. Although he possessed great talents, they came into play too late to be effective, and his long absences from the Cape had left him without a political following. It is doubtful whether a separate provincial structure for the Eastern Cape was ever really possible or even desirable. Certainly after 1872 it could never be considered practical politics and after 1874 Molteno's Seven Circles Act put paid to any effective resurrection of the separatist movement.

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APPENDIX 1

THE SEPARATION MOTION OF CHARLES POTE

INTRODUCED INTO THE HOUSE OF ASSEMBLY IN MAY 1856

"That the history of this colony, during the last thirty years, abound in facts indicating that the Eastern Districts can neither be well governed nor ably defended so long as its affairs shall continue to be directed by an Executive administration placed at Cape Town, - seven hundred miles from the Eastern Border. That the internal economy, progress, and prosperity of these Districts have been retarded, - that they have largely suffered, and will continue extensively to suffer, in the absence of those political institutions, locally situated, to which the people have a right to look for the proper regulation of their affairs, the maintenance of tranquillity, and a due regard to the public welfare.

"That the administrative functions of the Lieutenant-Governor for the Eastern Districts, having neither legal powers nor executive force, even in the very restricted sphere over which his authority extends, without referring his acts to Cape Town for confirmation, and having no local legal adviser, nor a duly constituted Council to direct him with confidence, as to the legality of his proceedings, - such an establishment is wholly inadequate to regulate sufficiently the varied and important interests fast rising in magnitude on the Frontier; and this institution has now become an insult to the people, and a mockery and a sham, by substituting bad for good government.

"That Her Majesty's High Commissioner, charged with administering the policy of British Kaffraria, should either reside on the spot, or at a position easily accessible to secure facility of communication with the Commander of the Forces. That, to regulate such high interests from any point so remote as Cape Town, is to show at once the weakness and imperfection of the whole system employed for preserving the peace of the Border; and to delegate powers involving questions of such grave responsibility to a mere agent, is to trifle with the lives and property of Her Majesty's subjects, along an extended line of frontier, and to endanger the public safety, by exposing the colony to invasion and plunder.

"That, by the annexation of certain territory to the colony, now forming part of the District of Queenstown, and the necessity of providing for the maintenance of order within this and the District of Namaqualand, by the appointment of additional Seats of Magistracy, by which the civil business of the colony has been greatly increased, - the jurisdiction of the Supreme Court, with its limited number of judges, has become so unwieldy and extensive, as to engross nearly six months of time in the completion of a single Circuit, comprising a distance of nearly 2000 miles; and, by the delay thus occasioned, not only calculated to retard the ends of justice, but to relax the energies of the mind of the judge, and render the physical powers of the body incapable, by want of endurance, to encounter the great amount of labour and fatigue occasioned by this onerous judicial duty.

"That by the refusal to the Eastern Districts the establishment of local courts, a defective judicial system is perpetuated, not only calculated to continue strife and irritability between litigants, owing to the causes of action being allowed to be of long standing between them, but is attended also with harshness and cruelty towards those unfortunate persons who, being confined for offences, are precluded from being brought to any early trial in the remote districts, many of whom may be subsequently discharged, having proved themselves innocent of the crime under which they were arraigned, or liberated on imperfect and defective evidence; and as the law makes no compensation for such injury, long confinement becomes a punishment of great rigour and severity, and should be mitigated as much as possible by speedy adjudication.

"That the denial to the inhabitants of the Division of Queenstown of their just claim to be represented in the Councils of the country, though liable to a peculiar system of taxation, different and more burdensome than that imposed upon any other Division of the colony, is neither calculated to conciliate the people, nor to beget a confidence in the policy of the Government, in its administration of the affairs of that Division. That, by withholding from the inhabitants of that exposed territory their undeniable right to be freely represented in Parliament, they are placed beyond the power to exercise that wholesome control over measures intended for their benefit; but which, from ignorance of local requirements, may be pregnant with injury to their welfare and prosperity.

"That the people of the Eastern districts have neither, by means of public works nor by branch institutions (through the instrumentality of which they have sought to regulate their affairs by a wise economy), benefitted in any reasonable proportion to the large contributions these districts have yielded to the revenues of the colony; that the grants of public money from the Treasury, and the apportionment of convict labour have been mainly expended in the extension of the institutions, and opening up the resources, of the Western Province, - and now that large demands are about to be made upon the revenues for harbours of refuge, port improvements, opening of mountain passes, Houses of Parliament, and other extensive public works, the claims of the Eastern Districts are again likely to be extinguished for an indefinite period.

"That the interests of the Eastern and Western portions of the colony are so dissimilar, that those measures necessary to their rapid improvement are so little understood, - and recent experience has confirmed what past experience had indicated, - that the indifference so often manifested by the Western Legislature to further Eastern interests, has been perpetuated, and taken rest in the present Parliament; and by this absence of a willing co-operation for the general good, justifies the demand for a severance of all political union between the Provinces, and the erection of the Eastern Districts into a separate and independent Government, to secure to the people all those rights, privileges, and immunities, of which they have been so long deprived, - but which can only be guaranteed to them under a separate Constitution."

RESOLVED, -

"1. That the colony be divided, and formed into two distinct Governments, - legislative, administrative, and judicial, - to be wholly independent of each other within their separate territories; and that, for the purposes of individual recognition, they shall be designated the Eastern and Western Sovereignities of Her Majesty's dependency of the Cape of Good Hope.

"2. The Governments of the respective Sovereignities shall consist of a Legislative Council and House of Assembly, both elective, and a Governor, to be nominated by the Crown, as provided for by the Constitution now in force within this Colony, - which Constitution shall be adopted in all its provisions in each Sovereignty, excepting in such

clauses as may require modification and alteration, to secure better Government to the people, for whose benefit it is now necessary to amend the same.

"3. The following Districts shall comprehend and define the territories of the respective Governments, at present recognised for electoral purposes as the Eastern and Western Provinces, - that is to say: The territories of the Eastern Sovereignty shall embrace the Districts of Uitenhage, including the Township of Port Elizabeth, Somerset, Graaff-Reinet, Colesberg, Albert, Cradock, Victoria, Fort Beaufort, Albany, and such other territories as hereafter it may be found expedient to add.

"4. The territories of the Western Sovereignty shall include within its limits the Districts of George, Swellendam, Beaufort, Clanwilliam, Worcester, Caledon, Paarl, Malmesbury, Stellenbosch, the Cape Division (including the City of Cape Town) and such other territories as hereafter it may be found expedient to add.

"5. The judicial power of the respective Sovereignities shall be vested in a Supreme Court, having jurisdiction within its own territories, and such inferior Courts as the Governments of these territories shall, from time to time, think proper to establish. The Supreme Court shall be a High Court of Appeal, and its authority shall extend to all cases of Admiralty, and have maritime jurisdiction.

"6. The Statutory Ordinances now in force, under which the people of this colony are governed, shall be those adopted within the territories of the respective Sovereignities, so as to ensure, as much as may be, uniform laws, within the jurisdiction of the Eastern and Western Governments, for the administration of justice and the maintenance of order; and those laws only shall be repealed or amended which, from the local circumstances or peculiarity of character, shall be found to be unsuited to the altered condition of affairs, or to impede the public welfare within these territories.

"7. Full faith and credit shall be accorded in each Sovereignty to the public acts, records, and judicial proceedings of the other, and the laws of each State shall be mutually respected, provided they are not repugnant to the interests of each other, and do not interfere with the recognised rights and liberties of the inhabitants of each.

"8. The division of the colony into two independent Governments shall not impair the obligations of any debts contracted by the Colonial Government to individuals or bodies corporate, or any other right of property, or any suits, actions, right of actions, or other proceedings in courts of justice, provision for which shall be made before any final decision takes place. Neither shall the division of the colony impair the right of the Government of the Western Sovereignty to recover all just and lawful claims, owing by individuals or bodies corporate, to the Colonial Government, by judicial process, if necessary, in any competent court of law, pertaining to any matter or thing whatsoever.

"9. A proper statement of the assets and liabilities of the Colonial Government shall be prepared and submitted to a Commission, that the respective interests of each Government therein may be relatively determined and finally adjusted.

"10. So much of the Civil List reserved by law under schedule A in the Constitution Ordinance, and pertaining to establishments in the Eastern and Western Provinces under the Colonial Government, shall remain a permanent charge upon the Revenues of the respective Sovereignities, and set apart from that portion of the Public Revenue, in each State, derived from duties on Customs.

"11. In consideration of the large revenues which, during past years, have accrued to the Colonial Government from the Eastern Districts, and the extensive alienations of land which have taken place within the same territory, the proceeds of which have been paid into the Public Treasury, the expense for the maintenance, equipment, and regulation of the Armed and Mounted Police Force, stationed on the Border for the defence of the Frontier, shall be borne in mutual proportions by the Governments of the Eastern and Western Sovereignities.

"12. That the sum of £15,000, for Colonial Pensions under schedule B in the Constitution Ordinance, shall be borne and provided for in due proportions by the Governments of the Eastern and Western Sovereignities, on a scale adjusted to the revenues of each at this present time, and that the further sum of £14,000, under schedule B, Border Department, Aborigines, shall be borne and provided for in the like proportion.

"13. That the sum of £25,000 secured by Ordinance No. 4, 1852, for improving the Kowie Harbour in the Eastern Districts, shall not be invalidated by this act of separation, but that all matters and things contained in the said Ordinance shall remain in full force and effect, as thereby provided, precisely as if no division of the colony had ever taken place.

"14. All persons holding office in the Civil Service under the Colonial Government shall be confirmed in their appointments, under the Governments of the respective Sovereignties within whose dominions they may be found serving, unless the public welfare shall require their removal, and the appointment of other persons in their place.

"15. There shall be perfect uniformity in the standard of the weights and measure in use amongst the subjects of the two Sovereignties.

"16. No duty shall be laid on articles exported from one Sovereignty to the other Sovereignty.

"17. The main lines of communication intersecting the territories of the two Sovereignties shall be maintained and preserved, postal arrangements continued, and the expenditure incident to this arrangement shall be borne by each Government in proportion to its interests therein.

"18. A person charged in one Sovereignty with treason, felony, or other crime, who shall flee from justice, and be found in the neighbouring Sovereignty, shall, on demand of the executive power of the Sovereignty from which he fled, be delivered up, to be removed to the Sovereignty having jurisdiction of the crime.

"19. No person held to service or labour in one Sovereignty, under the laws thereof, escaping into the other Sovereignty, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom service or labour may be due, on payment of the expense of arrest, maintenance, and delivery.

"20. Commissioners shall be appointed by the Governor to settle and adjust Articles 9, 10, 12, and 17.

"21. These Articles of Separation shall take effect and be in force on a day to be fixed by the Governor, from and after the close of the Parliamentary Session of the year 1858, but before the 1st January, 1859.

APPENDIX 2

CATECHISM OF THE EASTERN PROVINCE SEPARATION LEAGUE

A FEW PLAIN QUESTIONS AND THEIR ANSWERS

Q 1 - What do you mean by Separation?

A - A division of the whole Colony into two Provinces - Eastern and Western.

Q 2 - For what purpose do you want this division?

A - That we may have our own Government in the Eastern Province, and be able to make our own laws and to manage our own finances, and attend to our own roads and bridges, and all our other wants.

Q 3 - How do you propose to divide the Colony?

A - Nearly in the same manner as it is now divided for electoral purposes under the Constitution Ordinance, - the Division of George belonging to the Western, and Uitenhage to the Eastern Province.

Q 4 - What sort of Government would you desire to have for the Eastern Province?

A - As simple and economical as possible, consisting of a Governor, appointed by the Crown, Representatives elected by the people, and such Government Officers, as may be found necessary.

Q 5 - Do you believe that you are able to support the cost of a Government of your own?

A - Most certainly. It can easily be proved that the present income or revenue, of the Eastern Province alone, is fully equal to what that of the whole Colony was in 1850. It is quite certain, therefore, that a revenue, which was sufficient for the whole Colony in 1850, must be ample, if judiciously expended, for the Eastern Province in 1860, and that we should be gainers by the change.

Q 6 - How do you mean that you would be gainers by the change?

A - Because, with a smaller extent of country under each Government we should be able to get rid of the overgrown and expensive establishments of the Cape, from which we do not derive a benefit equivalent to the amount we contribute towards them.

Q 7 - But would you not have to bear the expense of your frontier police?

A - No, not if the Western Province treats us with justice, because it is well known and admitted that the defence of the frontier concerns the whole country, and that the immunity which the Western Province enjoys from Kafir inroads, is attributable to the protection afforded by the inhabitants of the frontier districts.

Q 8 - Do you really think then that you have the means of carrying on a Government of your own?

A - As far back as 1847, when our revenue was scarcely more than one-sixth of what it is at the present time, great pains were taken to ascertain whether we had not then the means of maintaining a separate Government, and the result of that enquiry went to show that, with a revenue of only £67,000, the Eastern Province was considered quite capable of supporting its own Government. If that was the case then, how much more must it be so now that our revenue has increased to £200,000, or probably nearer £250,000.

Q 9 - For what reason do you desire separation?

A - For many very powerful reasons. The first is, that the distance of the seat of Government, at the extreme end of the Colony, renders it impossible for the Government to be well informed of what is going on among the Kafir tribes, and hence our past experience has taught us that in the former Kafir wars the Government has been taken by surprise, and war has broken out when they thought all was peace; and further, the necessity of referring to Capetown for instructions has been attended with great delay, and productive of much mischief.

Q 10 - Have you any other reason?

A - Yes: the great distance of the seat of Government renders it very inconvenient for the Members of Parliament to leave their Farms or their Merchandize, and to be absent from their homes during three or four months in the year, and hence a very great difficulty arises in finding proper men to represent the interests of the Province in Parliament.

Q 11 - Have you any other reason?

A - Yes, plenty more. - The great distance of Capetown renders it impossible for the Judges and Advocates to visit the frontier more than once in six months, and then their time is so limited, that

they are very often compelled to hurry over the business of the court in a most unsatisfactory manner.

Q 12 - Give me another reason?

A - The Deeds, Surveyor's, and Master's Offices being in Capetown, no transfer or mortgage can be passed, no diagram obtained, no will proved, and no estate surrendered, except by reference to Capetown, which often involves most inconvenient and vexatious delays, while the accounts for all Government contracts have to be sent to Capetown, and the eastern contractors are often kept for a long time out of their money.

Q 13 - What other reason have you?

A - A very important one, and that is: we see from time to time extensive sales effected of our Government lands, and large sums of money raised, all which money is spent in an extravagant manner, and we do not see one sixpence of it laid out in the districts where the sales are held. To such an extent has this system been carried that most of the Divisional Councils of the Eastern Province have judged it necessary to decline recommending any further sales.

Q 14 - Have you any other reason to be dissatisfied?

A - Most assuredly we have, when we see the neglected state of our main roads and rivers; when we know that double the money is spent on roads in the Western Province to what is spent in the East - that many of our principal roads are in a most horrible state of repair; and that, while most of the rivers in the Western Province are bridged over, we have only two bridges in this Province, and those only completed within the last two years.

Q 15 - But have you not the benefit of the labour of your convicts upon your roads?

A - No, this is just what we complain of so bitterly. Most of the convicts who have been sentenced at the different Circuit Courts in this Province, have been taken away from us, and sent down to the Western Province, to be employed on Western roads and Capetown public works.

Q 16 - Is there anything else you have to complain of?

A - Yes, indeed, the worst yet remains to be told. An enormous public debt has been contracted of £564,000, of which nearly £400,000 belongs to the Western Province, but for which the whole Colony is

liable, and will continue to be so until we can obtain Separation and each Province takes over its own proportion of debt, besides which there is every prospect of further large sums being soon required, chiefly for public works in and about Capetown; and if we do not hasten to obtain Separation, we shall be involved in a still larger amount of debt.

Q 17 - What are the public works in and about Capetown to which you allude?

A - I allude to the Museum and Library in Capetown, which will have cost before it is completed £20,000, - to the Somerset Hospital, costing £20,000, - to the proposal to build Houses of Parliament for £50,000, - and to the Breakwater and Docks in Table Bay, which are estimated to cost £400,000, but will probably not be constructed for double that sum.

Q 18 - Was not all this debt incurred with the consent of the Members from the Eastern Province?

A - No; the Cape Government brought forward last session a proposal to raise the large sum of £200,000 to pay for a Breakwater in Table Bay, and almost all the Eastern Province Members voted against it, and it was lost; but just at the end of the session, when some of the Eastern Province Members had left, it was brought forward again and carried by a majority of one.

Q 19 - Was there not a proposal made in the last Parliament to raise a tax of a half penny per lb on wool?

A - Yes, the Colonial Secretary, finding he had a large amount of deficiency to make up, brought forward that shameful proposition; fortunately for us, the Parliament would not allow it to pass; but still this was quite enough to prove how little consideration the Capetown Government has for the interests of the Eastern Province; for they must have known very well that five-sixths of this tax would have fallen upon this Province, as we produce more than five times as much wool as they do in the West.

Q 20 - And you believe that you are capable of managing your own Government?

A - Yes we do. We think we have been quite long enough in the leading strings of a Capetown Government, and that it is high time now that we are no longer children, we should be free and independent; and we believe that there are men to be found amongst us quite capable

of conducting the affairs of an Eastern Province Government in a satisfactory manner.

Q 21 - Do you not think that a division into three Provinces would be preferable to two?

A - Most undoubtedly not; such an arrangement would be surrounded with difficulties. It would be almost impossible to get the different divisions to agree upon where the line should be drawn to divide the Provinces; and supposing that difficulty to be overcome, a still greater one would remain, and that is, how to apportion the revenue received in Port Elizabeth from the customs between two Provinces.

Q 22 - Has it not been said that this is a movement among the English only, in opposition to the Dutch?

A - Yes, this has been said, and nothing can be more perfectly unfounded; and it is only a device thrown out by enemies to the cause, with a view to creating disunion between us; for this is a question in which the interests of English and Dutch are so perfectly identical that it is folly to suppose for one moment that what will benefit the one will not benefit the other also.

Q 23 - It has been asserted that, in the event of separation, the mortgage bonds held by Western capitalists, on property in this Province, would be called in. Do you believe that such would be the case?

A - No, why should they? The money was lent on mortgage not to benefit this Province, or, because we were united with the West, but because the lenders could get as good or better security here than they could elsewhere; and as, under a separate Government, the security cannot be less, and will in all probability be better than it is now, there are not the slightest grounds for supposing that the capitalists of Capetown or other places would be so blind to their own interests as to withdraw their capital from a country where the security offered is so good, and where property is every year increasing in value. Moreover, as in case of separation we should have an Orphan Chamber, Savings' Bank, and other similar institutions of our own, the money received by them would be available in this Province.

Q 24 - What is the Separation League?

A - It is an Association recently formed throughout the Eastern Province, for the purpose of uniting the inhabitants of its several divisions in one combined effort to obtain from the Parliament the concession of a Local Government for the Eastern Province.

Q 25 - How does the League propose to effect this object?

A - By every constitutional means - by holding public meetings for the discussion of the question - by collecting and diffusing correct information on the resources of the Province, and of the expenditure required for its efficient Government - by arranging for a meeting of delegates from all parts of the Province in some central place, to deliberate upon the terms and conditions upon which separation shall be demanded - by preparing petitions to Parliament - and by using every legitimate influence, both in and out of Parliament, to secure this desirable end.

Q 26 - Do you not therefore think that it is the duty of every good colonist to give his voice for separation?

A - Most undoubtedly - and we further believe that it is the duty of every Eastern colonist, who values his own liberties, who cares for the welfare of his children, and who feels any interest in the progress and advancement of his country, to join with his whole heart in the movement, and to use all his influence with his friends and neighbours to induce them to join the Separation League, and to sign petitions to Parliament, in order that this much wanted separation may be obtained without further delay.

APPENDIX 3

LIST OF DELEGATES TO THE SOMERSET CONVENTION,

FEBRUARY 1861

Branches of the League	Delegates
Albert	J. Joseph
Alice	S.J. Hartman, J.P. D. Davies
Aliwal North	L.J. Wepenaar, J.P.
Bedford.	F. King
Colesberg.	W.M. Harries C.L. Stretch, M.L.A.
Cradock.	C. Scanlen, M.L.A. H. Tucker
Eland's Post, Stockenstrom	J.I. van Aardt, J.P.
Fort Beaufort.	R.J. Painter, M.L.A. B. Booth
Grahamstown.	J. Ayliff G. Wood, jun.
Humansdorp	H.J. Moolman
Lady Grey.	C.C. Cloete, J.P.
Port Elizabeth	W.M. Harries, J.P. H.W. Pearson
Queenstown	E.R. Bell C.J. Powell
Salem.	W.A. Richards
Somerset	C.L. Stretch, M.L.A. Jas. McMaster, M.L.A.
Uitenhage.	E. van Reenen, J.P. D.J. Aspeling, M.L.A.
Wheatlands, District of Graaff-Reinet.	R.M. Bowker, M.L.A.
Winterberg	R.J. Painter, M.L.A.

APPENDIX 4

PETITIONS PRESENTED TO HOUSE OF ASSEMBLY DURING
THE 1861 SESSION ON THE SUBJECT OF SEPARATION

Petitions in favour of separation

Date presented	Domicile of Petitioners	Number of signatures
13 May	Albert	154
"	Queenstown	550
14 May	Kroomy	61
"	Blinkwater	28
"	Fort Beaufort	83
"	Koonap	55
"	Winterberg	146
15 May	Aliwal North	212
"	Somerset East	96
16 May	Stockenstrom	49
"	Stockenstrom	135
17 May	Colesberg	94
21 May	Grahamstown	874
22 May	Agter Sneeuberg, Cradock	222
"	Cradock	152
"	Tarka South, Cradock	44
"	Brak River East, Cradock	27
"	Brak River West, Cradock	27
23 May	Salem	160
"	Manczana, Bedford	66
"	Bathurst	106
27 May	Humansdorp	303
6 June	Kaga, Bedford	25
7 June	East Fish River, Albany	39
"	Somerset East	97
"	Uitenhage	132
"	Victoria	55
"	Balmoral, Uitenhage	32
"	Port Elizabeth	1015

Date presented	Domicile of Petitioners	Number of signatures
7 June	Hanover, Colesberg	32
"	Albany	238
"	Graaff-Reinet	108
"	Graaff-Reinet and Uitenhage	101
"	Graaff-Reinet	51
8 June	Uitenhage	33
10 June	Somerset East	42
13 June	Bedford	113
17 June	Victoria East	112
		8
	<u>Total:</u>	<u>5869</u>

Petitions against separation

Date presented	Domicile of Petitioners	Number of signatures
29 April	Colesberg	49
30 April	Somerset East	140
1 May	Colesberg and Middelburg	139
8 May	Colesberg and Hopetown	74
"	Middelburg	24
10 May	Hopetown	164
"	Cradock	28
"	Burghersdorp, Albert	203
"	Lower Stormberg, Albert	57
5 June	Port Elizabeth	45
6 June	Somerset East	26
10 July	Somerset East	21
	<u>Total:</u>	<u>970</u>

V & P (H of A) 1861 : Abstract of Petitions

A small number of petitions were also presented to the Legislative Council on the subject during the 1861 session.

APPENDIX 5

DIVISION ON SECOND READING DEBATE OF SEPARATION BILL

(11 JUNE 1861) IN THE HOUSE OF ASSEMBLY. MOTION LOST 22-15

VOTES OF EASTERN MEMBERS

Pro Bill (14)

Aspeling, D.J. (Uitenhage)
 Botma, D.J.E. (Albert)
 Bowker, R.M. (Somerset East)
 Bowker, T.H. (Victoria)
 Cawood, J. (Fort Elizabeth)
 Clough, G.C. (Grahamstown)
 Darnell, B.H. (Victoria)
 Franklin, J.G. (Albany)
 Harries, W.M. (Gladock)
 Painter, R.J. (Fort Beaufort)
 Scanlen, C. (Gladock)
 Slater, C. (Albany)
 Stanton, W. (Somerset East)
 Stretch, C.J. (Port Elizabeth)

Anti Bill (5)

Hopley, F.H. (Albert)
 Theunissen, N.H. (Colesberg)
 Watermeyer, F.S. (Graaff-Reinet)
 Watermeyer, P.J.A. (Colesberg)
 Ziervogel, J.F. (Graaff-Reinet)

Absent at division : Krog, J.C. (Uitenhage) and Mundy, S. (Grahamstown).

Michael Upton of Fort Beaufort was elected while the session was in progress, and arrived to take up his seat on 17 June.

APPENDIX 6

ATTENDANCE OF EASTERN MEMBERS IN THE LEGISLATIVE
COUNCIL IN THE SESSIONS 1854-1861

	1854	1855	1856	1857	1858	1859	1860	1861
<u>Duration of Session in Days</u>	87	84	83	83	87	114	80	107
<u>Members and Days Present:</u>								
Stockenstrom, Sir A.	87	84	83					
Godlonton, R.	87	84	75	75				
Wood, G.	87	84	75	75				
Blaine, H.	87	84	75	75				
Metelerkamp, W.	87	84	75	75				
Joubert, G.	76							
Fleming, W.	53	55	75	59	65			
Cock, W.			73	75				
Probart, S.					67			
Mosenthal, Julius					87			
Southey, W.					87			
Pote, C.						57		36
Cawood, J.						26	39	58
Von Maltitz, L.						41	51	90
Greathead, J.						51	61	
Kennelly, D.							61	58
Cawood, S.							32	26
Paterson, J.						0		
Mosenthal, Joseph								50
Tucker, H.								101

Figures from Cradock News, 24-4-1862.

APPENDIX 7

TURNOVER OF MEMBERS IN HOUSE OF ASSEMBLY, 1855-72

<u>Western Districts</u>	<u>55</u>	<u>56</u>	<u>57</u>	<u>58</u>	<u>59</u>	<u>60</u>	<u>61</u>	<u>62</u>	<u>63</u>	<u>64</u>	<u>65</u>	<u>66</u>	<u>67</u>	<u>68</u>	<u>69</u>	<u>70</u>	<u>71</u>	<u>72</u>
Beaufort															1			
Caledon										1					2		1	
Cape Division										2	1				1			
Cape Town							1		3	1	1	1			2	2		
Clanwilliam	1							1		2				1	1			
George					1					1							1	
Malmesbury										2					1	1	1	
Paarl			1											1	1			
Stellenbosch										1								
Swellendam										2					1			
Worcester		1								1			1				1	
*Namaqualand																	1	2
*Oudtshoorn																		
*Piquetberg													1		1	1		
*Riversdale															1			
*Victoria West															2			1

Compiled from V & P (H of A) 1855-72.

* Indicates seat created under Annexation and Representation Act of 1865

<u>Eastern Districts</u>	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72
Albany	1			1	1	1				2		1	1					
Albert		1		1		1			3	2	1	1	1		1			1
Colesberg		1									1				1	1		
Craddock		2	1								1				2	1		
Fort Beaufort					1	1	1	1	1	2			1		1	1		1
Graaff-Reinet	1			1	1		1			1				1	1	1		
Grahamstown	1		1							1					1			1
Port Elizabeth		1		2	1	2				1	1	1				2		
Somerset						1				1		1			1	1		
Uitenhage	1			1		1			1		2	1				1		1
Victoria East		1			1					1		1	2		1	1		
*Aliwal North												1			2	1		
*East London																2		1
*King William's Town													1	1	1	1		
*Queenstown															2	2	1	1
*Richmond															2			1

Compiled from V & P (H of A) 1855-72.

* Indicates seat created under Annexation and Representation Act of 1865.

APPENDIX 8

BILL FOR ESTABLISHING PROVINCIAL GOVERNMENTS IN THE COLONY
OF THE CAPE OF GOOD HOPE, 1873

Whereas it is found that the remoter divisions of the Colony suffer great inconvenience and are subject to numerous disabilities through distance from the Seat of Government in Cape Town, and whereas it is desirable and expedient, through the establishment of Provincial Governments, subordinate to a general Legislature, to remove, as far as possible, these disabilities, and generally to improve the Colonial Administration: Be it enacted by the Governor of the Cape of Good Hope, by and with the advice of the Legislative Council and the House of Assembly thereof, as follows :-

I. The Colony of the Cape of Good Hope shall be divided into three provinces - the Western Province, to be called the Province of _____; the Midland Province, to be called the Province of _____; and the Eastern Province, to be called the Province of _____.

II. The Western Province, or Province of _____, shall include all the Western districts up to a boundary line starting from the mouth of the Gouritz River, and proceeding northwards along that river to the point where it issues from Beaufort West, and thence along the Meridian line till that line strikes the Orange River, and shall include the following electoral division:- 1, Cape Town Municipality; 2, Cape Division; 3, Paarl; 4, Stellenbosch; 5, Malmesbury; 6, Piquetberg; 7, Clanwilliam; 8, Namaqualand; 9, Worcester; 10, Caledon; 11, Swellendam; 12, Riversdale; 13, Fraserburg, to be formed of Fraserburg and the portions of Beaufort and Prince Albert west of the Gouritz line.

III. The Midland Province, or Province of _____, shall include all the Midland districts lying between the aforesaid Gouritz boundary line on its west, and a boundary line on its east starting from the mouth of the Great Fish River, and proceeding along that river to its junction with the Koonap, thence along the latter river to where it issues from the Somerset division, and from that point

along the Eastern boundary lines of the existing electoral divisions of Somerset, Cradock, and Colesberg, up to the Orange River, and shall include the electoral divisions of, - 1, George; 2, Oudtshoorn; 3, Beaufort; 4, Victoria; 5, Richmond; 6, Colesberg; 7, Graaff-Reinet; 8, Cradock; 9, Somerset; 10, Albany; 11, Graham's Town; 12, Uitenhage; 13, Port Elizabeth.

IV. The Eastern Province, or Province of _____, shall include all the districts of the Colony east of the Great Fish River boundary line, as also the Transkei territory up to the Western boundary line of Natal Colony, and all that portion of Basutoland east of the Caledon River, and shall embrace the following electoral divisions:- 1, Aliwal; 2, Albert; 3, Wodehouse; 4, Queen's Town; 5, Victoria East; 6, Fort Beaufort; 7, King William's Town; 8, East London and five electoral divisions hereafter to be created from the Transkei and Basuto territories.

V. Each Province to have a Provincial Legislature, consisting of not fewer than twenty-one members, in a single chamber, to be styled the Provincial Assembly of _____.

VI. For the election of the twenty-one or more members of any Provincial Assembly, the existing electoral divisions of the Province shall be and constitute the constituencies, and the extent of representation to be given to each of these constituencies in any Provincial Assembly shall be determined by the Provincial Assembly itself.

VII. In the election of members of any Provincial Assembly, all the details connected with the election of members to the House of Assembly in the general Legislature will be followed, and the qualification required for a member of any of the Provincial Legislatures shall be one and the same with the qualification required for a member of the House of Assembly in the general Legislature.

VIII. Every Provincial Assembly to subsist for a term of five years, unless sooner dissolved, and the same forms and mode of proceeding to be followed at any general election for the Provincial Legislatures, or in the supplying of casual vacancies in the Provincial Assembly, as are followed in a general election for the House of Assembly in the General Legislature, or in the filling up of casual vacancies in the House of Assembly.

IX. The members of the Provincial Legislatures to receive the same travelling expenses and personal allowances as are allowed to members of the General Legislature.

X. Every Provincial Assembly, at the first sitting after any general election, and before proceeding to any other business, to elect one of its members to preside at all meetings thereof at which he shall be present, and to be called the President of the Provincial Assembly; such President to be paid such salary as the Assembly, with the consent of the Governor of the Colony, shall fix and determine.

XI. The sessions of the Provincial Assembly shall be held once at least in every year, and the quorum of each Provincial Assembly for business shall be not fewer than ten members.

XII. There shall be in each Province a principal executive officer, to be styled the Lieutenant-Governor of the Province, who shall be appointed for a period of five years by the Governor of the Colony, subject to the confirmation of Her Majesty the Queen.

XIII. The Lieutenant-Governor of any Province shall be aided in the discharge of his Executive duties by an Executive Council of three members appointed by himself from the members of the Provincial Assembly, and holding office during the pleasure of the Lieutenant-Governor - the Executive officers to be a Principal Secretary, a Minister of Finance, and a Minister of Public Works.

XIV. The salaries of the members of the Executive Council shall be fixed by the Provincial Assembly, subject to the approval of the Governor of the Colony.

XV. Each Provincial Legislature shall enjoy full Legislative and Administrative authority within the limits of the Province over which it is appointed in relation to the following classes of subjects:-

1. The construction, maintenance, and management of all roads, bridges, and railways within the Province.
2. The establishment, maintenance, and management of all irrigation works within the Province, and the settlement of the terms upon which waters from such works shall be supplied to persons requiring the same.
3. The management of all public or Crown lands within the Province, and the settlement of the terms or conditions upon which these

- shall be leased, sold, or otherwise disposed of.
4. The establishment, maintenance and management of public out-spans within the Province, the construction of road-side dams, and other facilities for the transport service of the Province, and the settlement of the terms and conditions upon which these shall be available to the public.
 5. The establishment, maintenance, and management within the Province of schools or other educational agencies, the erection, maintenance, and management of school buildings, the granting of money in aid or support of such schools, and the settlement of the terms and conditions upon which such aid or support shall be given.
 6. The erection, maintenance, and management of hospitals for the sick and infirm, and of asylums for the insane and otherwise afflicted within the Province.
 7. The erection, maintenance, and management of such prisons, penitentiaries, reformatories, and other public buildings within the Province as the Assembly shall deem necessary, and the settlement of the terms and conditions upon which admission to the penitentiaries and reformatories shall be granted.
 8. The enrolment, maintenance, management, and distribution of such body of local police as may be required in and for the Province.
 9. The raising of loans for public purposes, on the security of any of the Provincial revenues.
 10. The regulation and settlement of all transfer and auction dues
 - . within the Province, of all licences and trade permits, and of the laws affecting the rights of masters, servants and apprentices within the Province; provided always, however, that any Ordinance of the Provincial Legislature relating to the law of master and servant shall not be of force or effect until first confirmed by an Act of the Colonial Parliament.
 11. The same right so to deal with private property where required for public purposes within the Province, as under the existing laws of the country is at present vested in the General Government, or as under any future laws may henceforth be vested in the General Government.

12. The framing and settlement of regulations for enforcing, in particular cases, the enclosure of public and private lands, the enactment of laws necessary to protect the Province against diseased cattle or other live-stock, and the framing of such provincial immigration laws as the peculiar requirements of the Province may render expedient.
13. And, finally, the imposition of punishment by fine, penalty, imprisonment, with or without hard labour, for enforcing obedience to any Ordinance of the Provincial Assembly made in relation to any matter coming within any of the classes of subjects above enumerated.

XVI. For providing the sums necessary for the due performance of the duties implied in the classes of subjects entrusted to the Provincial Government, and for the carrying into effect of all the Ordinances which the respective Assemblies may enact, the following revenues shall be considered and held to belong to the Provincial Governments:-

1. All revenues arising from the Crown lands, mines, and forests within the Province.
2. All moneys arising from quitrents of lands lying within the province, and from leases of Government outspans or other public property within the Province.
3. All moneys derivable from every species of licence issued within the province.
4. All moneys receivable from any tolls or ferries established within the province.
5. All moneys levied through school, road, prison, or police rates upon the immovable property within the Province.
6. All moneys raised by special hypothecation of any particular provincial revenues.
7. All auction and transfer dues, all fines levied within the province, and all revenues derived from the sale of stamps within the Province.

8. And, finally, all moneys derived from the octroi or Customs duties collected at the port or ports of the province, beyond the proportion of such duties which shall be fixed by the Colonial Parliament as sufficient to meet the necessities of the General Government.

XVII. The subjects on which the Provincial Assemblies shall be empowered to legislate are clearly specified in the classes thereof set forth in the fifteenth section of this Bill, and the enactments of any Provincial Assembly shall be termed Ordinances - the Ordinances of each year to be distinguished by successive numbers, beginning with No. 1.

XVIII. Bills passed by the Provincial Assembly to be transmitted to the Lieutenant-Governor of the Province, who, if he approves the same, shall without delay transmit the same to the Governor for the signification of his pleasure thereon; and if the Governor gives his assent thereto, or fails within three weeks after the transmission of the Bill to him for his approval to signify his dissent therefrom, the said Bill shall be considered as passed and valid, and shall have all the effect of a Provincial Ordinance.

XIX. If, however, within the three weeks above specified, the Governor of the Colony for the time being signifies his dissent from the Bill of the Provincial Assembly so transmitted to him, or that he is desirous of making amendments therein, it shall be competent for him, either entirely to reject the Bill or to make such amendments in it as appear to him desirable and expedient; and the Bill, with such amendments, shall be returned to the Lieutenant-Governor of the Province, to be re-submitted to the Provincial Assembly for its consideration. Should the Provincial Assembly stand prorogued when the Bill with amendments shall be received by the Lieutenant-Governor of the Province, then the same shall be transmitted to the Assembly within the first three days of the next ensuing session, and shall be considered precisely as if the Bill had been passed in that session. The Assembly shall be entitled to amend the amendments of the Governor.

XX. The Governor, within three months after receiving from the Lieutenant-Governor any Bill passed by any Provincial Assembly, to which Bill he shall not see fit to make any amendments, or, in case

such Bill shall already have been amended by him, shall not see fit to make any further amendments, to be entitled to announce by proclamation in the Government Gazette that he assents to such Bill on behalf of Her Majesty the Queen, or that he withholds his assent from the same, or that he reserves the same for the declaration of Her Majesty's pleasure thereon. The provisions of the Constitution Ordinance in regard to Bills passed by the Colonial Government and reserved for the declaration of Her Majesty's pleasure thereon to be applied to Bills passed by the Provincial Assembly and similarly reserved. The power of the Queen to disallow Ordinances assented to by the Governor to be reserved.

XXI. No Ordinance of any Provincial Assembly, approved by the Governor, and not disallowed by Her Majesty the Queen, nor amended nor annulled by the Colonial Parliament, to be in any Court capable of being impeached or questioned by reason merely that such Ordinance is or may be supposed to be an Ordinance which it was not competent for the Provincial Assembly to enact.

XXII. The Provincial Assembly of any Province to be entitled to amend or repeal any Act of the Colonial Parliament, or other law which was, next before the establishment of the Province, in force in such Province, in so far as such Act or other law would, if not amended or repealed, have been an impediment to the exercise of any of the powers conferred upon the Provincial Assembly; but with this exception, all legislation of the Provincial Assembly to be subordinate to the legislation of the Colonial Parliament, as the latter is subordinate to the legislation of the Imperial Parliament, and the Colonial Parliament shall not be deemed or taken to be deprived, by the creation of Provincial Governments for provincial purposes, of any right or power of legislation for the whole Colony, or any part thereof which next before the creation of such Provinces the Colonial Parliament lawfully possessed; and the Colonial Parliament, in the exercise of such right and power, to be entitled, by any Act thereof, to amend or repeal any Ordinance of any Provincial Council which the Colonial Parliament shall deem it necessary to amend, or annul, and to add to and take from the powers hereby conferred upon Provincial Assemblies.

XXIII. The Constitution of the Colonial Parliament to remain after the creation of the Provinces as it was before such creation, save

and except that after the establishment of the Provincial Legislatures, the Provincial Assemblies shall constitute the constituencies for the return of the members of the Legislative Council in the Colonial Parliament, and each of the three Provincial Assemblies shall return seven members to the Legislative Council; each member of any Provincial Assembly to have seven votes, or as many votes as there are vacancies in the Legislative Council to be filled up for the Province, which number of votes he can exercise either cumulatively or otherwise, in his own discretion.

XXIV. The Governor of the Colony to summon by proclamation the first meeting of each Provincial Assembly; and he may fix different days for the meeting of each Assembly. All subsequent meetings of each Provincial Assembly to be fixed by the Lieutenant-Governor of the Province.

XXV. The place of meeting or seat of the Provincial Government of the Western Province, or of Province of _____, to be _____; that of the Midland Province, or of the Province of _____, to be _____; and that of the Eastern Province, or the Province of _____, to be _____. The Provincial Assembly of each Province to be empowered by any Ordinance thereof to change from time to time the seat of the Provincial Government.

XXVI. The Provincial Assembly of each Province, at the first meeting thereof, and from time to time afterwards, as there shall be occasion, to prepare and adopt such standing rules and orders as shall appear to such Assembly best adapted for the orderly and efficient conduct of the business of such Assembly, and for the manner in which it shall be presided over in the absence of the President, and for the manner in which Bills, resolutions, and other business intended to be submitted to the Assembly, or any session thereof, may be published for general information for some convenient space of time before the meeting of such Assembly, and for any other purpose proper for the convenient dispatch of business, which rules and orders shall, as far as may be practicable, be conformable to the rules and orders of the House of Assembly in like cases; all which rules and orders shall by such Assembly be transmitted to the Lieutenant-Governor, and, being by him approved, shall be binding and of force, but subject, nevertheless, to the confirmation or disallowance of Her Majesty the

Queen. No such rule or order to be of any force to subject any person, not being a member or officer of the Assembly, to any fine, penalty, or forfeiture.

XXVII. In each Province, at the seat of Government thereof, a Provincial Court of Justice of at least three judges shall be established, and such Provincial Court of Justice shall, within its own Province, hold and exercise all the powers and all the functions which the Supreme Court of the Colony has hitherto exercised within and over the whole Colony. Above the several Provincial Courts there shall also be one Supreme Court of appellate jurisdiction for the whole Colony, of which Supreme Court all the Judges of the several Provincial Courts shall be members, and the quorum of Judges in the Supreme Court, for the disposal of any business, shall not be less than five, in which quorum each Provincial Court shall be represented by one at least of its members. The Circuit Courts in the respective Provinces to retain all the powers and functions which the Circuit Courts of the Colony at the present time can exercise; but the jurisdiction and functions of the Supreme Court to be defined in a separate Charter of Justice for the Colony.

XXVIII. To each of the Provincial Courts a Public Prosecutor shall be attached, the Public Prosecutors to be the legal advisers of the Lieutenant-Governors of the respective Provinces. In the Province in which the seat of the General Government is placed, the Attorney-General of the Colony shall there be the legal adviser of the Lieutenant-Governor.

XXIX. All expenses of the Provincial Courts of Justice, at their appointed seats, and of the Public Prosecutors attached thereto, to be borne by the general Colonial revenue, but the travelling and other expenses of any Circuit Judge in any Province of the Colony to be borne by the Provincial revenue.

XXX. All civil commissioners, resident magistrates, and all postmasters and other officers or persons holding office or situation under them, all Custom-house officials, and officers of the defensive forces of the country, or of the general police force, to continue to hold their respective offices or situations in like manner as if no division into Provinces had taken place; and all new appointments to any such office, situation, or public service to be, as formerly, made

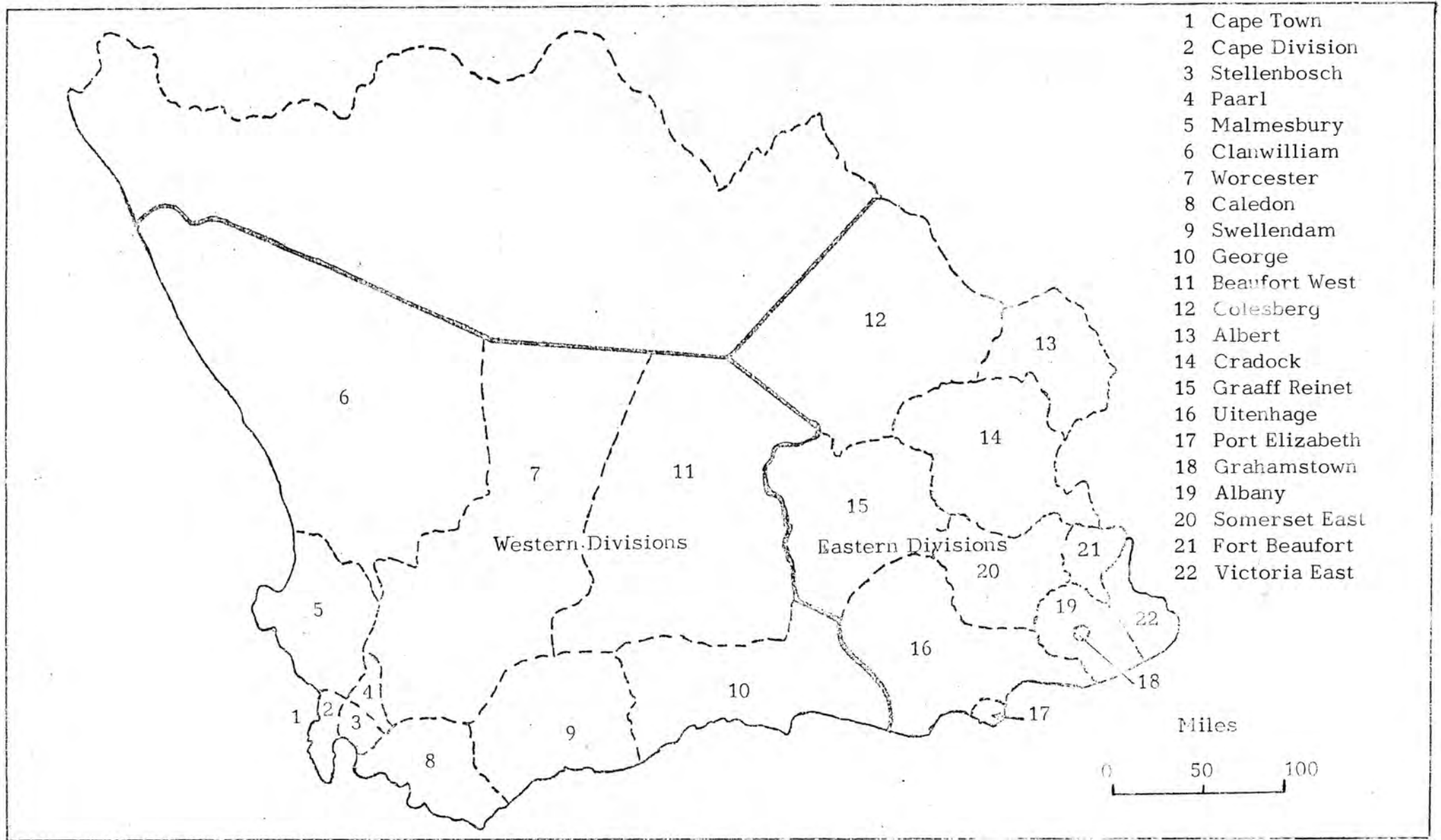
by the Governor of the Colony, and as appointments under the General Government, the expense or cost of which is to be borne by the general revenue.

XXXI. All appointments to offices of trust or of executive responsibility in connection with any of the classes of subjects specially placed under the legislative and administrative powers of the Provincial Assembly to be vested in, and made by, the Lieutenant-Governor of the Province.

XXXII. Provision to be made for the admission into the Colony, as a Province or Provinces thereof, of any territory or territories beyond the present land boundary of the Colony upon such terms and conditions as the Colonial Parliament, by any Act thereof, confirmed and allowed by Her Majesty the Queen, shall approve of and establish; provided always, however, that the Transkei, when admitted to electoral privileges, and all that portion of Basutoland east of the Caledon River when admitted, shall not be admitted as a new Province, but as part or portion of the existing Eastern Province, or Province of Kafirland.

XXXIII. Acts of Parliament repugnant to or inconsistent with the provisions of the Act or instrument creating Provincial Governments to be recited and repealed.

XXXIV. This Act to be cited and known as the Provincial Governments Act, and to take effect from and after the promulgation thereof by the Governor in the Government Gazette of the Colony.



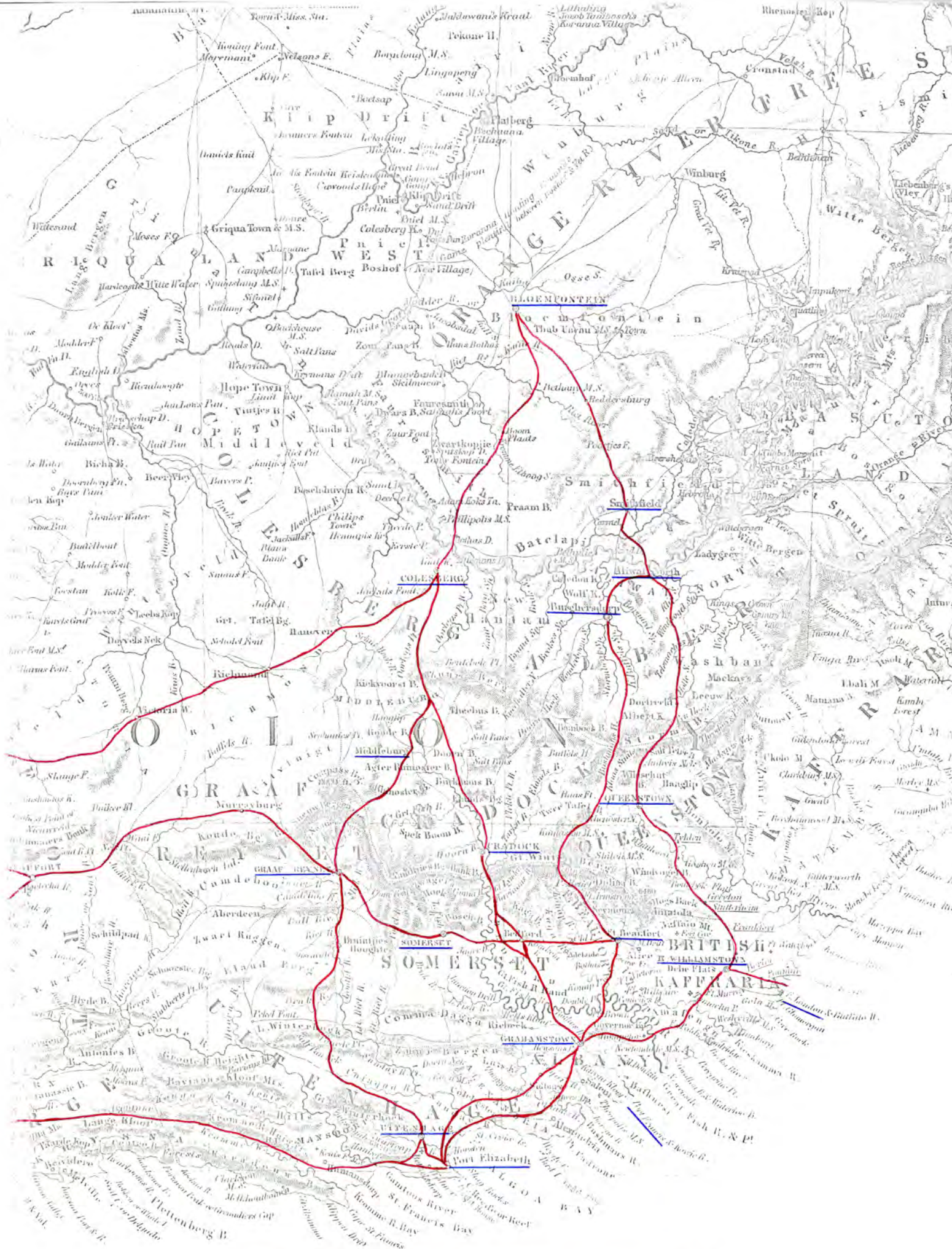
CAPE ELECTORAL DIVISIONS 1854

Ref.: J.L. McCracken, The Cape Parliament, p. 19



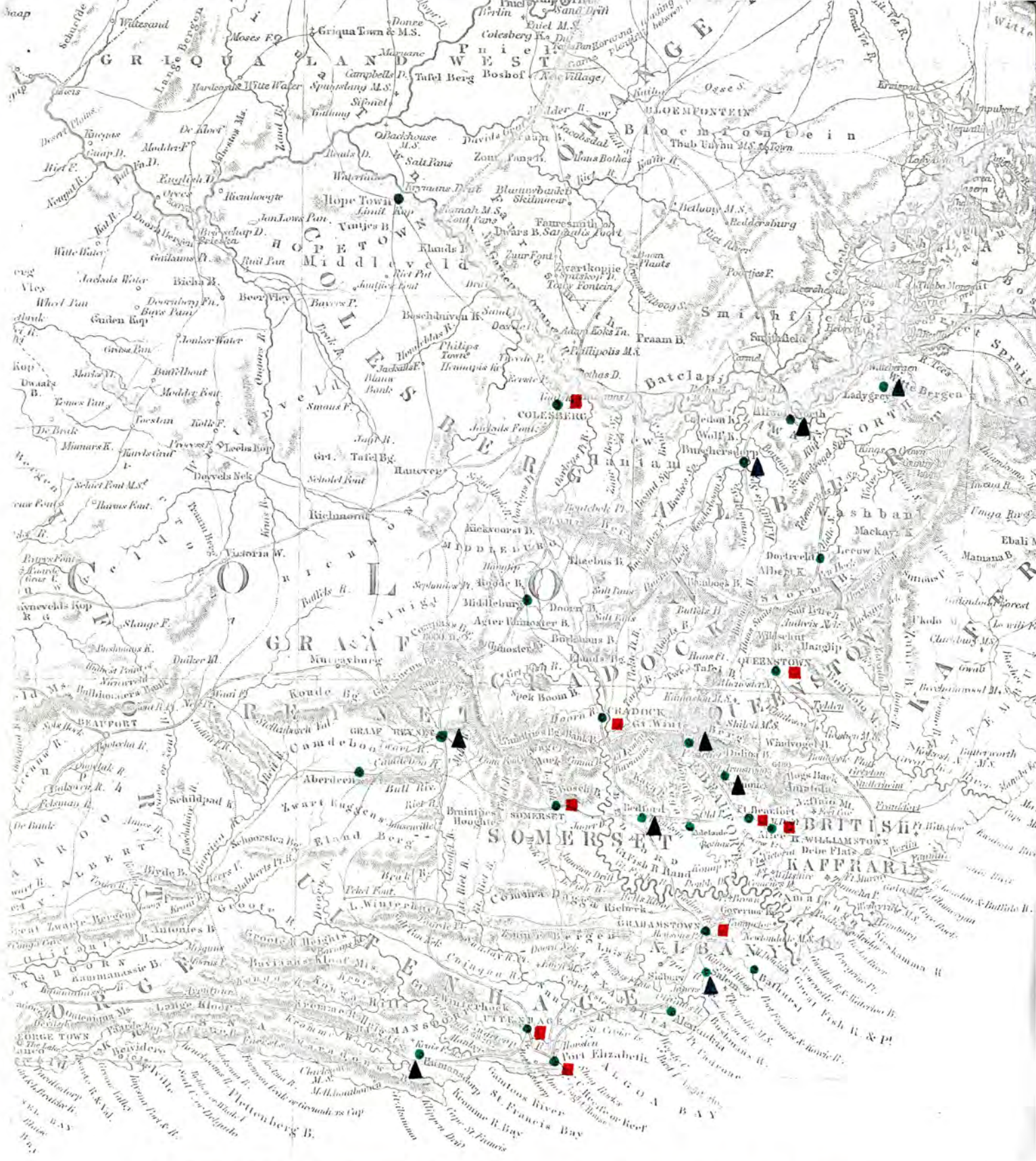
EASTERN CAPE ELECTORAL DIVISIONS, 1876

Map ref.: C.N. Thomas, dated 13.4.1876, enclosure to Report of the Surveyor-General 1876, Cape of Good Hope Annexure, G30 - '76



MAIN ROAD SYSTEM IN EASTERN CAPE BY 1872

Map ref.: H. Hall, published 1.3.1872, bound between P.P. XLIII (C.508) and XLIX (C.732) in Cory Library, Rhodes University



BRANCHES OF THE EASTERN PROVINCE SEPARATION LEAGUE, 1860 - 1

- Centres where branches of the Separation League existed
- ▲ Branches which sent one delegate to the Somerset Convention
- Branches which sent two delegates to the Somerset Convention

Some of the branches which were allocated two delegates by the Central Committee in fact only sent one. Other branches sent no delegates at all. This map shows how many delegates were actually sent, not how many the branches were allocated

Map ref.: H. Hall, published 1.3.1872, bound between P.P. XLII (C.508) and XLIX (C.732) in Cory Library, Rhodes University

