

THE BRITISH GOVERNMENT AND THE
BAMBATHA REBELLION, 1906-8.

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PREFACE

My intention in this essay is to examine the role of the British Liberal government in the Bambatha rebellion and related affairs. More specifically, I have examined, in Chapter I, the substance or the extent of this role; in Chapter 2, the significance of the responsible government constitution for the full actualisation of such a rôle; and in Chapter 3, the limitations imposed by Britain's wider interests to the carrying out of such a rôle. The Liberal government's "humanitarianism" provides the central theme around which my argument is constructed. Upon achieving office, the Liberal government had declared that "humanitarian ideals" would dictate imperial policy. This essay represents an attempt to clarify what such vague terms meant in practice; this examination of the British government and the Bambatha rebellion might be considered a case study of the Liberal government's imperial philanthropy.

The most accessible and most useful primary material was found to be the numerous parliamentary papers and blue books relating to the Bambatha Rebellion. As regards secondary material, special mention ought to be made of five particularly useful books: P. Haydon, Sir Mathew Nathan; R. Hyam, Elgin and Churchill at the Colonial Office, S. Marks, Reluctant Rebellion; G.B. Pyrah, Imperial Policy and South Africa; and J. Stuart, History of the Zulu Rebellion. From Haydon an insight can be gained into both the peculiar difficulties facing a governor of Natal in his attempts to bend the Natal government into compliance with the British government's wishes, and the nature of British influence in Natal in the light of impending unification. From Hyam and Pyrah can be gleaned a fairly thorough understanding of Britain's motives and interests in Natal and South Africa as a whole, in relation to the rest of the empire and Britain's international interests. Marks offers the latest and most detailed analysis of the Bambatha Rebellion.

I have used contemporary accounts, but caution has been exercised here. Most are of the conservative and self-justifying mould, having been written by members of a conservative and often criticised colonial community. Bosman's The Natal Rebellion of 1906, for example, though offering a useful insight into the rôle of, and the attitude taken by, the military in the course of the disturbances, has limited value as an analysis and commentary because it was written by a soldier sharing many of the stereotyped attitudes and prejudices of the majority of the settlers towards the blacks, because it is an account of the military aspects of the rebellion alone; and because to a

certain extent it was written on the defensive in the face of criticism from the rest of South Africa and abroad, about the way in which the rebellion was being handled. To some extent therefore, Bosman's study represents an attempt to justify measures taken by the military in putting down the rebellion, rather than a more neutral and dispassionate account of the rôle of the military during the rebellion.

Stuart offers the most useful contemporary account of the rebellion since, as a fluent Zulu linguist and senior civil servant⁽¹⁾, he had access to much inside information on both sides. There is, of course, a limit to his usefulness as well, since he shared many of the assumptions of the Natal Administration about blacks, but he does write from a far broader perspective than his contemporaries. His work is essential for an understanding of the attitude taken by white Natalians during the rebellion, and he provides useful information about the colony's military organisation. He has had a strong bearing on my argument in Chapter 2.

Contemporary accounts lack however, the advantages of those written ex post facto. The passing of time makes it easier for historical events to be put into greater perspective. Firstly, it allows the full consequences of events to work themselves out become more clearly discernible; and secondly, it allows the implications of events to be more fully explored through other studies. So eventually there is a far greater wealth of material and ideas available to the ex post facto, than to the contemporary writer. Not that secondary sources should be regarded as the final word on the subject - current studies lack the advantage of even greater hindsight which the future alone allows. Most of the secondary sources I have used might be described as having been written in the liberal tradition - there is an unfortunate paucity of material cast in the radical or any other mould, that could match something of, for example, Marks's thoroughness and detail, and upon which I might have drawn.

(1) Marks, S. : Reluctant Rebellion: the 1906-8 disturbances in Natal, (Oxford, 1970) p.xxi

INTRODUCTION

When the Liberals took office in December 1905, they shook their heads and sighed over the decline of justice and humanity throughout the empire during the Unionists tenure of office; then, with eyes cast heavenward, and with hands upon their hearts, took upon themselves the task of restoring to the empire the "old ideas of justice, liberty and humanity".(1) The empire would be, they said, a "wonderful thing", "a great moral force for enlightening mankind and fighting oppression. Churchill, halo shining brightly, waxed eloquent on an empire of 'brotherhoods', a paragon of 'social justice', and reached new heights of ecstasy with visions of the empire, giving unity to 'free peoples' by its 'noble and progressive principle', as 'an agent of human progress and of international peace'.(2) The cherubic Campbell-Bannerman, leading the Liberal chorus, sang of 'justice and liberty' rather than the privilege and monopoly of the Unionists, as forming the basis of Liberal imperial policy. There could be no more 'methods of barbarism', blacks would be treated humanely and in a civilised way; they would intervene to 'compose racial differences and animosities' and would advance equal rights for men irrespective of colour.(3)

1. THE BRITISH GOVERNMENT'S INFLUENCE UPON AFFAIRS - SUBSTANTIAL OR SIGNIFICANT?

Before they had quite delivered their annunciation, the Liberals were rudely interrupted by an urgent cable. It was from Sir Henry McCallum, the Governor of Natal. In January his ministers had imposed a general poll tax which appeared to have precipitated widespread unrest.⁽⁴⁾ A farmer and two policemen had been killed, and blacks were destroying white animals and implements of European origin, possibly in preparation for a general rising at Dinizulu's command.⁽⁵⁾ The Natal Ministry had asked the Governor on 9 February to declare martial law, and the latter had readily complied.⁽⁶⁾

(i) "A complete surrender"

The British government was aghast. It was taken completely by surprise by the Governor's telegram. The Colonial Office had expected no adverse consequences from the imposition of the poll tax. Their immediate reaction was to try to restore order in Natal by giving moral and military support to their kith and kin in Natal. It was unheard of for blacks anywhere to gain the upper hand over whites. The colonists, fearful for their safety in the midst of a huge black population,⁽⁷⁾ asked Britain to station troops in Pietermaritzburg. The Chief Commanding officer in South Africa was therefore instructed to send from Pretoria, a battalion of the Queen's Own Cameron Highlanders to Fort Napier,⁽⁸⁾ where they remained until the cessation of hostilities.⁽⁹⁾ In addition, HMS Terpsichore was despatched to Port Natal.⁽¹⁰⁾ This action did have a salutary effect on public feeling of security.⁽¹¹⁾

The initial response of the British government to these events therefore seems to have been to answer the request of the Natal Ministry for aid - Britain was after all, ultimately responsible for law and order within her own colonies - because it was felt that a show of force was necessary to intimidate the blacks and calm the whites. The whites, so overwhelmingly outnumbered by the blacks, were seen to be seriously imperilled; and it was doubtful whether they had the wherewithal adequately to defend themselves. Little thought, at this early stage of the disturbances, was given to the welfare of the blacks in Natal yet it was they, rather than the whites, who appear to have been in greater need of protection. For Colonel McKenzie, the commander of the Natal Militia, the declaration of martial law had been a 'golden

opportunity' to 'teach the niggers a lesson'.⁽¹²⁾ He would inflict 'the most drastic punishment on all leading natives found guilty of treason', and would instil 'a proper respect for the white man'. The Natal Field Forces were mobilised to punish the participants in the shooting of the policemen, and to make an example of them to deter the blacks from further resistance. On 13 February, two were captured and shot after a drumhead court martial.⁽¹⁴⁾

Once the Colonial Office had taken stock of the situation, it began to adopt a more critical attitude towards the Natal government. Both Elgin and Churchill took issue with the latter over the imposition of censorship and the proclamation of martial law over the whole colony.⁽¹⁵⁾

The Natal government reluctantly agreed to abolish censorship, but martial law remained.⁽¹⁶⁾

Meanwhile, the Governor did try to moderate the harsh line taken by the military, but succeeded only in showing how weak was his influence on affairs. At the beginning of March, Tilonko, chief of the Embo in the Richmond area (who was considered to be one of the ringleaders in the disturbances)⁽¹⁷⁾, along with seven of Chief Msikofeli's Kuze people, were found guilty on charges that included sedition, public violence⁽¹⁸⁾ and taking to arms. The Embo Chief was sentenced to a fine of 500 cattle and deportation to St. Helena, while the Amakuze faced the death sentence.

The Colonial Office disagreed with the harshness of the sentences; but despite appeals by the Colenso's on behalf of the offenders, the Colonial Office did not intervene. All that British influence did amount to was the halving of Tilonko's fine of 500 cattle by the Governor, and the commuting of the death sentences to long term imprisonment and confiscation of cattle. But McKenzie thereupon submitted his resignation to the government. Since the latter refused to accept it, McKenzie demanded a free hand in future.⁽²⁰⁾ Though the Governor's intervention had saved the lives of the 12 men, his ability to intervene in future was limited by fear of repercussions from McKenzie, who was clearly in a much stronger position than the Governor. This was an ominous prelude to the conflict between the Natal Ministry and the British government over the courts martial later in the month; which developed into a constitutional crisis of far-reaching significance.

McKenzie was meanwhile still busy with the rounding up and punishing of the participants in the killing of the policemen. From 12 to 19 March courts

martial were held in the Richmond area and twenty-four rebels were tried for sedition.⁽²¹⁾ McCallum pressed for the trials to be held in civil courts,⁽²²⁾ but allowed himself to be overruled by his ministers who did not wish to interfere with the military. Twelve of the twenty-four rebels were sentenced to death for murder and assault with intent to murder, the rest were given sentences which included imprisonment, lashes and confiscation of property for public violence and sedition.⁽²³⁾

When news of the court martial sentences reached London on 27 March,⁽²⁴⁾ the Colonial Office, though already disquieted by the imposition and continuance of martial law, was not unsympathetic to what it felt was the very real plight of Natal whites. At the Colonial Office, A.B. Keith strongly criticised the executions as unwarranted: "Natal desires with the aid of British troops to terrify by executions its native population, and the threat of removing the battalion from Pietermaritzburg would be effective in reducing them to common sense".

But few others in the Colonial Office shared Keith's view. Cox considered his statement an outrage on a population "quite as humane as Mr. Keith (and with) more knowledge of the circumstances ... The line he takes ... if put into action will lose us not only South Africa, but every colony we possess".

Elgin considered Keith as not being 'a very safe guide'.⁽²⁵⁾ But the Secretary of State was nevertheless deeply concerned about the turn of events in Natal. The British government felt a certain responsibility for the 2 executions of 13 February, and for any further executions; especially since the Governor had assented to the declaration of martial law making the British parliament liable for the sanctioning of an Indemnity Act. Because of the imperial troops in Natal⁽²⁶⁾ Elgin's protest was cabled in the following terms:

"Continued executions under martial law certain to excite strong criticism here, and as His Majesty's Government are retaining troops in Colony and will be asked to assent to the Act of Indemnity necessary to regularise the action taken, trial of these murder cases by Civil Courts greatly to be preferred.

I must impress upon you necessity of utmost caution in this matter and you should suspend executions until I have had opportunity of considering your further observations. (27)

The Colonial Office felt justified by such intervention since the presence of imperial troops in Natal at the Natal government's request put the Natal Ministry under some obligation to admit the influence of the British government

upon action taken against the blacks.⁽²⁸⁾ However, in Natal it was claimed that interference encouraged continued unrest on the part of the blacks who saw it as evidence of a clash between the British and Natal governments. The Prime Minister, C.J. Smyth, refused to comply with Elgin's request to suspend the executions,⁽²⁹⁾ whereupon McCallum used his prerogative powers and ordered the suspension. The Natal Ministry, with the internal situation apparently well under control - McKenzie having thoroughly 'disciplined' the blacks through extensive crop and kraal burning, cattle confiscating and chief deposing 'drives'⁽³⁰⁾ - felt confident enough to resign. Smythe wrote to McCallum:

As your Excellency has thought it necessary to give instructions to suspend the executions which were confirmed by the Executive Council and appointed to be carried out on Friday next, I feel that it is impossible for me to continue in office as Prime Minister, and I beg to tender my resignation. My colleagues are unanimous in supporting me in what, under the present circumstances, appears to be a most important constitutional question.⁽³¹⁾

This left the Governor in a serious predicament. The number of parliamentarians was so small that it was quite impossible to form a new government that did not include members of the Smythe ministry. Whenever a change of government did occur in Natal, it generally meant that the premiership devolved into somebody else, and a mere handful of the government party was replaced by new members.⁽³²⁾ But with Smythe's men having unanimously resigned with him, it was inconceivable that any would have agreed to take office at the Governor's request, and the latter would therefore have been left without a ministry. The Governor managed however, to persuade the Smythe ministry to remain in office while he communicated further with Elgin.⁽³³⁾ Having returned the tiger to its cage, the Governor was not, however, allowed to sit back and relax. Meetings were being held throughout Natal in protest against the interference of the British government in the internal affairs of a self-governing colony.⁽³⁴⁾ The press slammed the British government for unnecessary and destructive interference. The imperial government and the whites in Natal, it was felt, must show a solid front against the blacks, otherwise the local authority of the Natal government would be undermined.⁽³⁵⁾ Messages of sympathy came in from all over South Africa including the Transvaal, the Orange River, the Southern Rhodesian and the Cape Colonies.⁽³⁶⁾ Moreover, the governor-general of Australia, at the request of his ministers cabled the following telegram on 31 March:

Since an intervention of H.M. ministers ... with the administration of the self-governing colony of Natal would tend to establish, even in regard to prerogative of pardon, a dangerous precedent affecting all states within the empire, your excellency's advisers desire most respectfully to appeal to HM ministers for reconsideration of the resolution at which they are reported to have arrived in this subject.

In similar vein, a cable also came from New Zealand:

My Ministers feel satisfied that no interference intended with constitutional powers of self-governing Colony, but owing to meagre and conflicting reports, my government desire to be relieved of anxiety. (37)

Elgin, overwhelmed not only by such widespread protest from the self-governing colonies but also from the Unionist Opposition and the High Commissioner, Lord Selbourne himself, (38) retracted and tried to pour oil on rough seas: he maintained that he was satisfied with the justice of the court martial sentences and had merely wanted the sentences suspended pending "full and precise information in reference to these martial law cases in regard to which an Act of Indemnity has ultimately to be assented to by the Crown". (39) But the House of Commons did not agree. In response to attacks in the Commons, Elgin impressed the Governor with the need to avoid reviving or accentuating "the feeling already so strongly manifested here" and instructed him not to confirm any further death sentences without first fully informing the Secretary of State, except in emergency cases "where you consider delay impossible". (40)

Another cable was sent on 6 April in response to House of Commons pressure, to find out whether the warrants carried by the two slain policemen and other documents concerning the executions could be produced. (41) The Natal Ministry returned a cable containing no direct reply but requesting that they be protected "from harassing interference on the part of members of the House of Commons in regard to matters for which Ministers themselves are solely responsible. (42) Having thus warned the British government to refrain from interfering with the internal affairs of a self-governing colony, no more ado was heard of the matter. The Natal Ministers continued in office, the twelve rebels were executed on April 2 and the way was open for the military to whip the rebels into submission.

In March, Bambatha, a chief of a small tribe of people squatting on white land near Greytown, and apparently harrassed by unscrupulous money-lenders, had been

urged into rebellion by the younger section of his chiefdom who had refused to pay their taxes. He had crossed into Zululand, gathering sympathisers and followers as he went, and visited Dinizulu at Nongoma, leaving his wife and children in his care.⁽⁴⁴⁾ Then he returned and captured his uncle, Magwababa, whom the Natal government had appointed in his stead as chief of the Zondi.⁽⁴⁵⁾ After a skirmish with the Natal police at Keates Drift in the Mpanga Valley,⁽⁴⁶⁾ Bambatha and his followers fled to the Nkandhla forest.⁽⁴⁷⁾

These developments brought out the full military strength of the colony augmented with help from the Transvaal and Cape Colonies⁽⁴⁸⁾ whose governments were concerned about the possible spread of the rebellion to other parts of South Africa.⁽⁴⁹⁾ The Natal government offered rewards for the ringleaders, dead or alive, to which Elgin was intensely averse, but he felt powerless to intervene:

I will consider a warning to the Governor, but after recent experience one is naturally unwilling to be accused again of interference - while a private telegram might only increase the difficulties of the Governor's position without preventing the conduct which we deprecate.

The Aborigines Protection Society demanded the resumption of direct political control, but of this Elgin would hear nothing.⁽⁵⁰⁾

On 10 June the Bambatha Rebellion terminated with the massacre at Mome Gorge of 3 500 blacks - including Bambatha himself - and the taking of 2 000 prisoners.⁽⁵¹⁾ His decapitation caused a sharp outcry in Britain.⁽⁵²⁾ The Mome Gorge operation, alongside subsequent 'mopping up' sweeps in which McKenzie's forces drove through various parts of Natal in a scorched earth operation against the blacks, thoroughly cowed them into submission. The British government's concern for greater leniency towards the rebels had been ignored. It felt that McKenzie's operations had been little short of a 'massacre'. Fifteen hundred more blacks had been killed;⁽⁵³⁾ 700, according to the Times of Natal, had had their backs lashed to ribbons; and 4 700 sentences including lashes were carried out before this judicial violence was put to an end by the Natal government.⁽⁵⁴⁾ In the Mapumulo, Mdwedwe and Lower Tugela regions 6 700 huts had been destroyed and over 30 000 people rendered homeless. On 10 July McCallum reminded the Natal Ministry that "continued burning of rebel kraals (is) contrary to distinct orders given by government ... rebels ... should ... be encouraged to come in in preference

to continued slaughter".⁽⁵⁵⁾ Three days later huts and crops near Tongaat were still being burnt and troops had to be ordered to desist.⁽⁵⁶⁾

The Colonial Office also took the Natal government to task for the passing of an Indemnity Bill on 10 July. Apart from indemnifying the Governor, and the military and civil authorities for the action that they had taken during the disturbances, the bill had extraordinary features with which the British government did not agree: it was passed before martial law was lifted on 2 September,^{and} it validated all future actions of the Governor that had "reference in any way directly or indirectly" to the rebellion including all orders made by him as Supreme Chief.⁽⁵⁷⁾ The possibility of having the Bill amended was therefore discussed in the Colonial Office and with the Governor, but Elgin finally "refrained from pressing amendment and authorised the Governor to assent to it, in view of the fact that it would otherwise have been necessary (for the Natal government) to continue martial law."⁽⁵⁸⁾

The Secretary of State was running into a great deal of opposition in the House of Commons and the press, but nevertheless steadfastly stood his ground. In October he had received a request for an inquiry into atrocities committed in Natal, but Elgin "positively refused":

I cannot imagine anything more provocative not only to Natal but to Colonial sentiment. The Governor wrote the other day in the most emphatic terms that he had been unable to trace anything of the kind. That war in the bush must mean things that no humane man can absolutely defend ... is unfortunately the fact ... I decline to father (the) accusation ... that the ... Colonial troops went into this with a premeditated object - and that a murderous one. ⁽⁵⁹⁾

Elgin was most concerned to maintain cordial relations with the Natal government:

There always have been ... men ... who dislike military operations, especially against natives, so much that they cannot do justice to the real peril of the situation. But I cannot conceive that responsible men in the colony can have believed that H.M. Government took this view. I am sure nothing was said to justify such a suspicion ... but you are well aware that my sympathy was with you throughout. ⁽⁶⁰⁾

The British government had obviously not been prepared to influence affairs in any decisive way in Natal. The Governor had at least been able to exert some influence on the outcome of the court martial trials; a number of death sentences had been imposed and had been commuted by McCallum to life

imprisonment with hard labour.⁽⁶¹⁾ In addition he had secured the release of 300 of the rank and file rebels.⁽⁶²⁾ After the constitutional crisis in March, the British government appears to have felt that it was quite impossible to exercise a commanding influence in any decisive way in Natal without precipitating a similar, and perhaps a worse, crisis. They appear, moreover, to have felt it necessary to remain on good terms with Natal as Elgin's missive quoted above, suggests. Rather than intervening directly from Whitehall, the influence of the British government was therefore exerted much more subtly and indirectly, through the governor. But this meant that issues that were only of a relatively minor character could be influenced, such as the lifting of censorship and the modifying of sentences. In the words of Winston Churchill:

"This (was) a complete surrender".⁽⁶³⁾

(ii) "Not a position for a gentleman"

McCallum left Natal on June 6 to be replaced, after a short interval, by a man of tact and experience whom Elgin had specially chosen for the position,⁽⁶⁴⁾ and whom, Elgin hoped, would have a greater influence on the Moor ministry⁽⁶⁵⁾ in the direction of humanity and justice than his predecessor had been able to exert. Nathan's views of the Natal government were certainly more critical than those of McCallum. After only a few weeks in the colony he wrote to Selborne that "Far too much of the time, energy and money of ... his colony seems to be taken up governing themselves badly ... and the native population worse".⁽⁶⁶⁾

The Natal government still had on its hands 25 ringleaders of the disturbances whom they wished to deport and some 4 000 prisoners⁽⁶⁷⁾ for whom there was inadequate prison accommodation; and with whom they wished to deal, with the assistance of the imperial government. Churchill wanted to use the imperial troops in Natal - which Elgin had decided to keep there so that the Natal government would be under some obligation to listen to imperial advice - as leverage to get the Natal government to take a more lenient line towards its prisoners. Elgin wanted, at least, to have the number of prisoners reduced or to have them treated as political prisoners rather than ordinary convicts. However, the Natal government refused to ameliorate the terms of punishment, arguing that it would merely delay a return to stability. Elgin took the matter to the Cabinet which agreed to the desirability of deporting the ringleaders but were unhappy with the large number of prisoners still under arrest.

Elgin's difficulties were increased by public feeling in Britain in the matter. To Nathan he wrote:

While we have done all we could to prevent interference with the functions of your ministers, your ministers have, I imagine, no idea how greatly we are hampered in maintaining the sympathetic attitude, which is our first object, by the feelings, not altogether unnatural, excited by this crowd of prisoners ... (qualifications to British assistance were therefore) necessary to satisfy public opinion ... (69)

Churchill appears to have been less concerned than Elgin about maintaining good relations with Natal, the "hooligan of the British empire"; he deplored the "disgusting butchery of natives ... the ... tyranny against which these unfortunate Zulus have been struggling". (70)

He appears to have been prepared to take almost whatever action was necessary to put a stop to it. But Elgin on more than one occasion stated that they did not want another 'incident': "The Colony has the right to self-government and to responsibilities attaching thereto - and I sincerely hope we shall respect that position". The fact that the small white community had panicked, being in the middle of a large black population, he continued, did not mean that the government was tyrannical. Moreover, if they refused to help the Natal government, it would feel deserted and this would adversely affect Natal's loyalty to Britain. In this case the Natal government would "take measures they think necessary without consulting us - these measures would probably be more severe even than before - and our difficulties with crises in this country will be increased not diminished." (71)

Nathan meanwhile tried to have a general amnesty declared, arguing with the Natal Ministry that this would put an end to the unrest still prevalent in Zululand. (72) The Natal government would hear nothing of it. They were convinced of Dinizulu's complicity in the rebellion, and his being behind the unrest in Zululand. (73) Brushing aside the conviction of the Commissioner for Zululand, Sir Charles Saunders, (74) and to a certain extent McCallum, (75) in Dinizulu's loyalty, they pointed out that there were sufficient grounds of suspicion for a prima facie case and that they were therefore morally bound to arrest him and bring him to trial. (76) The Natal government again appealed to the British flag for assistance and in both September and October of 1907 requested that two companies of imperial troops be stationed at Eshowe to discourage unrest and reassure loyalists while Dinizulu was under arrest. (77) The Natal government appears to have held the view that his removal would mean the end of the 'mischief' one ^C and for all. (78)

Elgin took this opportunity to try to strengthen the British government's influence on Natal policy towards the blacks and to make such influence more directly felt. He refused to give any aid - feeling as he did that the evidence against Dinizulu did not warrant his arrest⁽⁷⁹⁾ - unless he were given a share in policy-making. He told them that his government was prepared to agree to an open enquiry into Dinizulu's conduct and to move troops to Eshowe if this was the "best means of securing the peace of the country, including the redress of grievances (i.e. of the blacks) and if the Natal government will pledge itself to do its best to carry out the reforms (advocated by the Report of the Natal Native Affairs Commission)."⁽⁸⁰⁾ The Natal government decided it would battle along on its own rather than have the British government interfering, and withdrew its appeal for assistance.⁽⁸¹⁾

Meanwhile, on 20 November, another chief (Mpumela) loyal to the government had been murdered⁽⁸²⁾ (Sitshitshili had been dispatched shortly after Dinizulu's return to Usuthu after the latter's visit to McCallum before he left Natal).⁽⁸³⁾ Apart from being implicated in these killings, Dinizulu also seemed to have played a part in the death of Stainbank⁽⁸⁴⁾ one of the magistrates to whom poll taxes had had to be paid.

Nathan reluctantly agreed that action had to be taken against Dinizulu. He had finally come, he said, "to the conclusion ... that ministers are right in view that the peace of the Colony requires the removal of Dinizulu from Zululand,"⁽⁸⁵⁾ and that an inquiry into the rôle he played in the rebellion was necessary.⁽⁸⁶⁾ The militia was duly mobilised. Upon being instructed to surrender himself forthwith, Dinizulu procrastinated. The Natal Ministry pressed Nathan to declare martial law over the whole of Zululand. At first the Governor resisted, feeling that such drastic action was unwarranted. Any similar views held by the Colonial Office were overridden by their concern to avoid another possible constitutional crisis, and they therefore advised Nathan to comply with the Natal government's request, which he did on 3 December.⁽⁸⁷⁾

Martial law being much against Nathan's will, the Governor tried to make the best of a bad deal by agreeing with the Natal Ministry that he would declare martial law on condition that with the arrest of Dinizulu the 2 448⁽⁸⁸⁾ prisoners of the 1906 disturbances still held would be released, and that martial law would be lifted as soon as possible.⁽⁸⁹⁾ On 7 December Zululand was put under martial law and on the 9th this was extended to the Vryheid-Paulpietersburg districts.⁽⁹⁰⁾

But the Governor was unable to make his influence prevail; neither of the two conditions upon which martial law was declared was fulfilled by the Natal Ministry. All of the prisoners were not released (91) and martial law remained in force until August of 1908 to give the military time to ferret out the remaining rebels and guns in Zululand. (92) The British government was appalled by the Natal government's action. The Lord Chancellor, Lord Loreburn was alarmed "by the dreadful alacrity with which the Natal government seems disposed to proclaim martial law". Their ferocity in using this 'weapon', he said, revolted him. (93) Elgin cabled Nathan:

I consider that it is unjustifiable to maintain martial law ... where there is not armed resistance ... to the Crown, which cannot be dealt with by the military, acting merely in aid of the civil power in the ordinary manner ... I had confidently expected that martial law had now been withdrawn. (94)

Nathan did as best he could in very difficult circumstances. He accused the Natal ministers of a breach of faith for failing both to lift martial law as soon as possible and to release the rank and file of the prisoners. A long wrangle ensued with the Minister of Justice, T.E. Carter, to no avail. He then resorted to a public protest and threatened resignation to try to make his influence prevail:

It seemed to me that the time had come when the welfare of the Colony required a public protest, and that, feeling as I did, it was for me to make it by allowing my views to be published. I suggested to Moor that I should be allowed to resign when the Blue Book (containing his protest) appears, but he was strongly averse to it". (95)

Nathan's threats made no impression upon the Natal Ministry. That having failed there was no other course of action open to him to try to make his views prevail. He could not dismiss his ministers or he would have been faced with the same dilemma as McCallum, had he failed to get the Smythe ministry to withdraw their resignations. And getting rid of Moor, who, according to Illanga Lase Natal and Imvo, was a "rare exception in this Colony" because he had "some sympathy" (96) with the blacks, would not have been in the blacks' or the British government's interests. In Dinizulu's opinion, it gave them "pleasure passing all bounds" that he had become their Minister. (97). In addition the Governor's function in Natal was in many respects essentially diplomatic. The British government wished to remain on good relations with Natal, and a breach leading to another constitutional crisis had to be avoided at all costs. Nathan was check-mated. Once again the Governor had been over-

ridden by his ministers. Nathan lamented that this was "not a position for a gentleman". (98)

(iii) Dinizulu disposed of

Dinizulu surrendered himself on 7 December (99) after the Liberal government had virtually promised to secure for him a fair trial. A fresh note of determination emanated from the Colonial Office. Elgin pointed out to Nathan on 20 February 1908 that

not only in virtue of the conditions of Dinizulu's return to South Africa, (100) but from the fact that it was through this Office that Mr. Colenso's message inviting him to surrender peaceably on promise of a fair trial was conveyed, H.M. Government are directly responsible for the procedure adopted in the trial. The obligation is therefore one of honour". (101)

Twenty-three charges were brought against Dinizulu, and included high treason, incitement and accessory to murder, incitement to sedition and rebellion, sheltering rebels and unlawfully possessing arms. (102) The Prosecution appeared to be determined to secure a conviction. (103) The Natal government had refused to allow any of the defense team into Zululand while martial law was in operation. (104) The British government, indignant that martial law should be maintained, (105) convinced of the accused's innocence, and scandalised by the flimsiness of the evidence, were in Churchill's words, "pledged to the hilt" to secure a fair trial. (106) The reasons why the British government was so determined to take firm action on this issue was also related to the extent to which public feeling, the press, and the radical members of the British parliament had been aroused by the Natal government's handling of Dinizulu. Charles Lucas in the Colonial Office remarked in June 1908 that "If the Natal government had deliberately intended to set public feeling in ... Britain against them, they could not have done it more effectively than has been the case". (107) Even in Natal itself the British government had public opinion on its side. (108) The Natal Advertiser, the Natal Mercury and the Natal Witness, the three leading Natal dailies, criticised the way the Natal government was handling Dinizulu. In the face of such widespread local opposition, T.E. Carter's attempts to blow the dispute into another fight against Downing Street tyranny made little headway. (109)

On these issues the British government was therefore able to make its influence prevail: the appointment of W.P. Schreiner, a former Attorney General and Prime

Minister of the Cape, to conduct the defence;⁽¹¹⁰⁾ the reinstating of Dinizulu's salary which the Natal government had suspended upon his arrest;⁽¹¹¹⁾ and the establishment of a special court⁽¹¹²⁾ under a judge-president from outside Natal, to try the case. This position was filled by none other than Sir William Smith,⁽¹¹³⁾ the Chief Justice of the Transvaal. The Natal government, with little widespread local support, and in a weak position on the suspension of the salary, backed down. On the question of the salary, it was agreed between the Imperial and Natal governments that the latter would receive grants from the former to be transferred~~—~~ secretly so that the blacks would not construe imperial sympathy for Dinizulu⁽¹¹⁴⁾ - to Dinizulu's defence to ensure that it did not break down for lack of funds.⁽¹¹⁵⁾

The British government had indeed made its influence prevail against the Natal government on the issue of Dinizulu's trial, but such influence can hardly be described as having been of any great significance. The British government had been able to make its influence prevail merely because of its unchallengeable legal position on the issue of Dinizulu's salary, and because public opinion in Britain and in Natal was unusually strong in its support of Britain's case - but the Natal government had not given way on any constitutional issue. Nor had British intervention in any way thwarted the Natal government's achieving its objective of disposing of Dinizulu. Though legally extinct since the Zulu War in the eyes of the Natal government, the Zulu monarchy still exercised a certain authority over many tribesmen in Natal,⁽¹¹⁶⁾ therefore the Natal government had been determined to remove Dinizulu whom they feared as the kingpin about which any future black resistance would form; the court had unwittingly obliged. Dinizulu was found guilty on three counts of high treason for which he was sentenced to 4 years imprisonment and the option of a fine of £100 or 12 months.⁽¹¹⁷⁾ His position as induna was, of course, forfeited.⁽¹¹⁸⁾ After his imprisonment he lived in exile in the Cape Flats and then on a small farm in the Transvaal, where he shuffled off his mortal coil, and departed for the land where the woodbine twineth.

To what extent had the British government influenced affairs in Natal during the disturbances? They had backed down on the constitutional issue in March 1906, and they had failed to make headway on the lifting of martial law and the freeing of any of the prisoners in 1907. These failures along with their rather minor successes on the issue of Dinizulu's trial in 1908, suggest that the influence that they exerted in the interests of humanity and justice was both insubstantial and insignificant. Above all the staggering number of

deaths and floggings; and the widespread crop and kraal burning which occurred despite their protests, suggests that the British government did little justice to the noble intentions which they had postulated upon achieving office.

II. CONSTITUTIONAL SAFEGUARDS FOR, AND THE BRITISH GOVERNMENT'S WARDSHIP OF THE BLACKS: FACT OR FANCY?

Upon the granting of responsible government to Natal in 1893 the Natal Ministry's independence of action was circumscribed by the reservation of certain powers to the British government, to be exercised through the Governor. Apart from the ordinary right and powers of the Governor usually held in self-governing colonies,⁽¹⁾ the Natal constitution also reserved to him the more extraordinary right, as Supreme Chief, to oversee the government of the blacks. He was given specific instructions from the British government not to assent to "any bill whereby persons not of European birth or descent may be subject or made liable to any disabilities or restrictions to which persons of European birth or descent are not also subjected or made liable",⁽²⁾ without the consent of the British government. The latter emphasised moreover, that the Supreme Chief could act independently of the Natal Ministry if necessary:

Before exercising the powers of Supreme Chief, other than those by law vested in the Governor-in-Council the Governor shall acquaint his Ministers with the action which he proposes to take, and so far as may be possible to arrange with them as to the course of action to be taken. The ultimate decision must⁽³⁾ however, in every case rest with the Governor.

These were the main constitutional safeguards for the blacks that had been insisted upon the Unionist government's Colonial Secretary, Lord Knutsford, prior to the granting of responsible government.⁽⁴⁾ The British government had thus quite definitely assumed wardship of the blacks in Natal.

The British government also reserved the right to reserve or refuse assent to any bills. And paragraph 7 of the Responsible Government constitution laid down a further safeguard:

If at any time within 2 years after the Governor has assented to any bill in Her Majesty's name, it shall

be notified to him through one of Her Majesty's Principal Secretaries of State that Her Majesty or Council has been pleased to disallow the Act so assented to, the Governor shall forthwith signify such disallowance by Message to the Legislative Council and Legislative Assembly or by Proclamation of Government Gazette, and from after the date of such Message or Proclamation the said Act shall become null and void. (6)

The British government thus held at its disposal the constitutional and legal instruments with which it could theoretically forestall any critical deterioration in the relations between black and white in Natal.

(i) The British government and the poll tax : "no business of ours"

In practice however, it failed to either carry out in full its responsibilities towards the blacks or to prevent a deterioration in relations between them and the Colonial government. After the granting of responsible government, legislation which fell more heavily on blacks than on whites continued to be introduced by the Natal government - the 1905 Poll Tax Act,⁽⁷⁾ the implementation of which triggered off the rebellion, being a case in point. The Poll Tax Act - introduced in a bid to replenish the Natal treasury which was being sucked dry by both widespread economic depression⁽⁸⁾ and the exorbitant demands of harbour development and railway construction⁽⁹⁾ - was not reserved by the British government. It had merely had some influence on the formulation of the Act: the initial poll tax proposal, the Native Personal Tax Bill, intended that a tax of £1 be imposed on all black males over the age of 18 and a further £1 tax on all wives except the first. Believing that the bill would be disallowed by the Imperial government according to section 8 of the constitution, the Executive Council Council rejected it.⁽¹⁰⁾ The final Act was less blatantly discriminatory on racial lines, being applied to all adult males who were exempt from the Hut Tax and who were not indentured Indians.⁽¹¹⁾

Yet the Colonial Office seems not to have been sensitive to the more subtle racial overtones of the Poll Tax Act. The tax was undoubtedly oppressive for the blacks. Many protested that they could not pay it and to a large extent their protests were justified. Not only were they affected by the increased cost of living and the low wages concomitant with the post war depression, but they had been badly hit by cattle losses through tick fever and rinderpest. (In the Mapumulo region, blacks had in 1879 lost up to 97%⁽¹²⁾ of their cattle.) There appears to be little indication that the poll tax was implemented principally to force the blacks into the labour market,⁽¹³⁾

but it was a racial measure in the sense that it was resorted to in order to preserve (predominantly white) high income group interests at the expense of (predominantly black) low income group interests. (An alternative source of extra income in the form of a house tax⁽¹⁴⁾ had been initially suggested by the Treasurer, T. Hyslop, but the proposal had been rejected. The only alternative to replenishing the treasury without causing a similar crisis appeared to the treasurer to be to tax those who were not represented in government, and who, they believed, would not rebel against it — in Prime Minister Smythe's opinion, the fear of a rising was "quite baseless".)⁽¹⁵⁾

In practice the poll tax was grossly unfair to the black contributors because they had to pay the same amount of tax although their average per capita income was proportionately much less than that of the whites.⁽¹⁶⁾ The racial overtones to the poll tax were voiced by J.G. Haydon, Minister of Railways and Harbours, who, in a speech delivered in Durban, said that that city

as loudly as any other part of the colony asked for some means to be devised at getting at the native ... the tax was also devised to get at the coolie and in order that they might get at these two classes (the whites) had to agree to submitting to the incidence of the tax.

It was felt by many whites that the blacks had to be taught "a lesson".⁽¹⁷⁾

The Colonial Office appears to have been unaware of the way in which the poll tax was directed against blacks, and of the social and economic effects it would have upon them. Their not reserving the Poll Tax Bill seems to be attributable to at least two factors. Firstly, Colonial Office naivete concerning circumstances in Natal: there appears to have been little informed discussion on economic issues in Natal or on the advisability of the taxation proposals, despite protests against the tax put forward by the Aborigines Protection Society.⁽¹⁸⁾ Secondly, the general domination by the white colonialist over black races on land, labour and tax issues was at that time still unquestioningly accepted by the Colonial Office. This was no peculiarly British attitude. Europeans generally, with their highly skilled population, advanced culture, high industrial output, had in their hands a near monopoly of modern military force: With a commanding position on the globe, they regarded themselves as the 'civilised world' and that they had a natural right to dominate the less advanced - the less skilled and the less industrialised - and to protect European interests at their expense.⁽¹⁹⁾

It was in the face of such prevailing ideologies that humanitarian bodies had to try to sensitize the British government and public to circumstances

in Natal. The Aborigines Protection Society was the most important pressure group in Britain that was concerned with the plight of blacks in Natal. It had extensive influence in Britain with radical Liberals and Labour MP's, including Keir Hardie and Ramsay MacDonald. Harriette Colenso, Dinizulu's prime devotee amongst the few whites that did have much sympathy for the blacks in Natal, had some influence with them through her brother F.C. Colenso, who lived in London at the time.⁽²⁰⁾

The Colonial Office seems to have fobbed off the protestations of the A.P.S. as largely fanciful and unrealistic, but while so doing they failed to recognise that they themselves were fairly remote from a thorough knowledge of issues in Natal. An assistant Secretary at the Colonial Office, F. Graham, reflected in March 1906 something of the Colonial Office's irritation with the A.P.S. rather than a willingness to consider the merits of their case: "... the A.P.S. have got it into their heads that the tax was levied for purposes of forcing out the natives to work whereas it was levied ... for revenue purposes".⁽²¹⁾ The Governor, being more aware of the implications of the poll tax than his superiors at the Colonial Office, had indeed enquired of the Secretary of State whether the Poll Tax Bill should be reserved because it was unjust and inequitable and "repugnant to the laws of England",⁽²²⁾ but he met with a negative response: "If Natal likes to revert to medieval methods of taxation I do not see that it is any business of ours".⁽²³⁾

(ii) The British government's power to intervene

The Liberal government's failure to reserve the Poll Tax Bill, despite the Governor's suggestion that such action be taken, would seem to indicate that the British government was neither disposed, nor had it prepared itself, to exercise responsibly its obligations towards the blacks as it had undertaken to do in 1892. Of course, once the consequences of its failure to reserve the Bill became apparent, the British government did become both alarmed and concerned to reverse the deterioration in relations between white and black. But the influence she wielded over Natal was not sufficient to do so.

Although public opinion in Britain and in Natal did play a part,⁽²⁴⁾ ultimately the British government's power to intervene in Natal was proportional to the extent to which the whites in Natal relied on imperial troops, since the filling of a need that was indispensable to their safety could always be made conditional. And the presence of imperial troops in Natal would always put

the Natal government under some obligation to at least lend an ear to imperial advice.

But the Natal government was largely independent of imperial military assistance. The troops that Britain had sent to Natal on the latter's request were not used in operations against the rebels ⁽²⁵⁾ - the Natal government had used those forces which it had at its own command.

Upon the granting of responsible government it had been agreed that the imperial troops in Natal would be withdrawn within five years, and although the withdrawal was prolonged by the Anglo-Afrikaner rivalry culminating in the Boer War, they were almost completely withdrawn from Natal in 1904 and 1905. ⁽²⁶⁾ The significance of the withdrawal of imperial troops was that Britain's power in Natal decreased proportionately, and the Natal government's increased as it turned its attention to the building up of a purely colonial force to take its place. The Militia Act of 1903 paved the way for the formation of the Natal Militia. The operative features of the Act imposed compulsory military service on white males between the ages of 18 and 50, and empowered the Governor to call out any portion of the other population groups to serve in non-combatant capacities. During 1906, 5000 ⁽²⁷⁾ men volunteered for active service, and there were about 15 000 reserves. ⁽²⁸⁾ With such forces at his disposal the Commander of the Militia was a powerful man indeed. The 1903 Act stated that the Governor, as Commander-in-Chief, and a Commandant of Militia would be jointly "responsible for all Militia and defence matters". ⁽²⁹⁾ A dispute subsequently arose between the Natal and British governments over who should control the Natal Militia, the Natal government considering that they knew best how to tackle their own defence problems and that junior officers in the imperial regular forces had proved themselves, after the disastrous Anglo-Zulu War, incompetent in "Native warfare". ⁽³⁰⁾ The dispute was resolved by Act 30 of 1905 by which it was made possible for a Colonel in the British army to take command of the Natal forces. ⁽³¹⁾

Theoretically then, the British government could have some control over the Natal Militia. In practice its influence was minimal. From 1905 to 1907 the Commandant of the Militia was Colonel Bru de Wold, a Norwegian-born Natalian; and his successor, a Natalian by birth, was Duncan McKenzie. ⁽³²⁾ The creation of a purely colonial force by the time the disturbances broke out meant that Natal could handle them without calling for direct imperial aid, ⁽³³⁾ and without thus risking a claim by the British government to the right to influence the settlement of affairs in Natal. The Smythe Ministry

was in fact quite determined not to appeal for imperial aid. When it was felt that the Active Militia could not cope with a situation at hand, troops were temporarily recruited from among the Reserves and formed into corps such as Royston's Horse and the Natal Rangers. The Natal government preferred to receive help if necessary, from the other South African colonies before appealing to Britain itself. The Moor Ministry was similarly disposed.⁽³⁴⁾ With the minimal influence of the British government - through the Governor - over the Militia, British ability to influence affairs in a practical sense in Natal was considerably weakened indeed. The British government could not use the Governor's control over the colony's coercive forces to bargain with the Natal government and thus to force compliance with its wishes, and to put into practice its powers and influences accorded it by the responsible government constitution. Given the Natal ministry's determination to control its own affairs, including "Native policy",⁽³⁵⁾ without outside interference, the British government's influence over affairs in Natal could only be minimal. With virtually complete control over its armed forces, Natal politicians and officials, once confident of their probable success in any military venture against blacks, could afford to be less cautious about the policies they adopted, and the soldiers could more readily think of "teaching the niggers a lesson".⁽³⁶⁾ Britain was indeed virtually powerless to put a brake in the extreme measures taken by the military during the course of the disturbances and to get the Natal government to take a less harsh, and more reasonable, line of action in any significant way.

The thorny problem of the British government's finding some means to carry out its responsibilities towards the blacks in Natal was not at all eased by the contradictions inherent in the responsible government constitution. The idea of retaining control over "native policy" was quite incompatible with the principle of self-government. The latter was a fundamental maxim of Liberal policy,⁽³⁷⁾ far stronger than any humanitarian principles or constitutional obligations towards the blacks, as Britain's backing down over the March 1906 constitutional crisis had indicated. Once given, according to Churchill, it was "not good to grudge it, and (was) impossible to limit or restrict it".⁽³⁸⁾ Elgin's assertion then, that the presence of the imperial troops in the Colony counted "for a great deal",⁽³⁹⁾ and his keeping them on in the Colony for that reason had a hollow ring to it, for the granting of responsible government in 1893 had in effect deprived the Liberal government of ^{the} power in Natal that the presence of the ^{Imperial} troops had previously accorded it. That power would only come into being in the case of Natal's

own forces becoming incapable of handling the situation on its own; and that eventuality did not arise during the disturbances. Thus Natal could quite easily withdraw any appeal for imperial assistance (as she did in October 1907)⁽⁴⁰⁾ if Britain made such assistance conditional. This being the case, "native policy" simply fell into the hands of the Natal government largely by default, and the British government's influence on affairs, and power to intervene, was therefore of only the most tenuous character. It mostly consisted of tendering advice or making verbal protests, since they were "not in a position to give orders",⁽⁴¹⁾ and quite frankly, it was up to the Natal government to decide whether to listen to them or not. This meant that the Governor was largely abandoned and left to plough his own furrow: at the time of the March 1906 constitutional crisis, Elgin had cabled McCallum:

Her Majesty's Government have at no time had the intention to interfere with action of the Responsible Government of Natal or to control Governor in exercise of prerogative. But your Ministers will ... recognise that in all circumstances now existing, and in view of the presence of British troops in the Colony, Her Majesty's Government are entitled, and were duty bound, to obtain full and precise information in reference to those martial law cases in regard to which an Act of Indemnity has ultimately to be assented to by the Crown. In the light of the information now furnished Her Majesty's Government recognise that a decision of this grave matter rests in the hands of your Ministers and yourself.⁽⁴²⁾

The Under Secretary felt that the power and rights of the Crown were latent and paramount, and were called into being by the request for troops; but though the government had the right to intervene, it never had the intention of interfering with the complete discretion of the Natal Ministry.⁽⁴³⁾ In such a position, the latter were quite ready to turn a deaf ear on imperial advice - though they could and did appeal for assistance without so much as blushing.

As far as the British government's wardship of the blacks was concerned, they had recognised after the March 1906 constitutional crisis that it was impractical to hint at responsibility for and effective control over native policy. As Onmanney in the Colonial Office had pointed out on 6 April 1906, such action would unite all the South African whites against them, and would involve a heavy expenditure.⁽⁴⁴⁾

(iii) The rôle of the Governor

Elgin had pointed out to the cabinet when discussing the withdrawal of the troops, that "the last opportunity for bringing influence to bear except indirectly through the Governor, is at an end".⁽⁴⁵⁾ Given that influence upon affairs directly from Britain was virtually a dead letter, it was left to the Governor to exert what influence he could at the prompting of the British government. Given also the Governor's constitutional impotence, it would appear that he himself was really a man of straw and that even Britain's influence, exerted indirectly through the office of the Governor, would be negligible, if it did not amount to nothing at all.

This of course, would be an exaggeration; the British government was still able to exert some influence, as it did on the issue of Dinizulu's trial. This influence was not particularly decisive; but if the influence that Britain had over Natal colonists is to be more precisely defined, the character of such influence must be examined.

The main reason why the Natal colonists had to keep themselves open to British influence was because they could not dare to stand alone - a rebellion more savage and widespread than the one they had just dealt with, could well overwhelm them or ruin them financially unless they could appeal for imperial assistance; and they could expect to fare worse, and not better, in their disputes with their neighbouring colonies if there were no imperial factor to appeal to. They simply could not afford to break off relations with Britain or the rest of the empire.⁽⁴⁶⁾ This reliance upon the empire, along with the common institutions, interests and traditions they shared with their kith and kin in Britain and the rest of the empire, fostered a certain empire loyalty amongst the whites in Natal which meant, of course, that they were open to a certain amount of influence from Britain, (though such influence however, was not binding.)

The influence of the Governor over and above his own personal influence and prestige, depended on the prevailing prestige of the British government and Crown whom he represented. Most white Natalians did feel attached to the Crown, and did feel a certain loyalty towards Britain. As P.A. Silburn, M.L.A., wrote on the eve of Unification:

The Colony of Natal has ... on several occasions prove(d) its loyalty to the Mother Country. (Referring to the Boer War, Silburn continues:) It has experienced invasion, sacrificed the lives and property of its colonists which was suffered with fortitude and patience ... (47)

While most Colonists felt attached to the Crown, this did not mean that all were readily disposed to submit to influence exerted by the Liberal government. Silburn continues:

But the limit ... to the loyalty of an Englishman is reached when we find traitors in power ... deriding the Colonists, heaping insults upon them, openly sympathising with sedition and rebellion, [referring to the Bambatha disturbances] tacitly encouraging the murder and rapine of the Colonist. It was for far less than such insults, slights and sneers as Natal has lately received from the Liberal government that Washington drew his sword. (48)

It is not intended to suggest that Silburn's views were necessarily representative of those held generally by the Natal colonists; not all were as ardent and fiery a Unionist supporter as he. Neither were they always as anti-Liberal as he was, as is witnessed by the fact that public opinion in Natal went over to the Liberals, rather than the Natal Ministry, on the issue of Dinizulu's salary.⁽⁴⁹⁾ But it can quite confidently be stated that on the whole most Natal colonists would have preferred the Unionists, rather than the Liberals, in power. Since the Governor received instructions from this Liberal government, the influence and prestige that he could command had its limitations.

Another factor limiting the powers of the British government to influence affairs in Natal indirectly through the Governor was the tendency of their man on the spot to adapt to local attitudes and mores. Much of the Governor's personal influence and prestige therefore depended on the character of the Governor and the extent to which such adaptation occurred.

From 1901 to 1907 the governor in Natal was Sir Henry McCallum who, it has been suggested, was more autocratic in temperament, suspicious of the educated black and more adaptable to Natal attitudes and mores than his successor.⁽⁵⁰⁾ The tendency of the Governor to be more adaptable to Natal attitudes and mores was a source of weakness to attempts by the British government to supervise affairs in Natal, since the Governor was the only official source of information from Natal, and the extent to which the British government could make its influence felt would to a large extent depend on the extent to which a less partial governor could sensitise it to conditions in Natal in general, and the plight of the blacks in particular. McCallum was not of the type suitable for such a rôle, preferring to meet the expectations of the whites rather than keeping a watchful eye on their

government of the blacks. Stuart describes him as having been an

... ideal helmsman who, supported by a strong and capable ministry ... strained every nerve to suppress the insurrection in a swift and vigorous manner, knowing that clemency and indecision would help only to aggravate the situation and imperil the state. (51)

A speech to the Natal Volunteer Forces in 1903 by McCallum suggests that he held the same typically Natalian stereotyped views of blacks as a threat to be held at bay by force: "In a country such as this where you are surrounded by a large coloured population [it was the duty of everyone to learn to shoot, and he would] like to see every woman in the country learn to shoot". (52) And at Pietermaritzburg on 2 August 1907, upon the disbandment of the various military units engaged in the rebellion in which so many blacks had been killed or flogged or rendered homeless, McCallum thanked the troops for "the magnificent services they had rendered to the Colony and to the Empire". (53)

It would seem, ^{however,} that the views of McCallum (quoted above) did not have to be stretched terribly far to meet the official views ^{held by} the Liberal government. Elgin, for example, had cabled Nathan after the disturbances of 1906 seemed to have been settled:

I desire on behalf of Her Majesty's Government to express sense of the courage and self reliance with which the emergency has been met. The conduct of the troops in the field and the management of the operations appear from all accounts to have been admirable and to have been well supported by the determination and self-restraint of the government and the people. I should have been prepared at any moment to move Her Majesty's Government to render assistance ... (54).

And when in January 1907 a half battalion of troops was instructed to proceed to Pietermaritzburg, Elgin sent the following cable to ^{the Governor:} "Her Majesty's Government are anxious now, as in the past, to co-operate fully with your Ministers and to assist to the best of their power in relieving their anxieties". (55) With their concern to remain on good terms with the Natal government, the Liberal government gave ^{the Governor} little encouragement to use his influence to intervene on behalf of blacks.

McCallum appears to have been less sympathetic to the blacks and therefore less disposed to push the Natal government towards a more sympathetic attitude than his successor. For this reason he was more popular with the Natal government than Nathan: twice in 1906 the government sent a request to Elgin

that McCallum's governorship be prolonged. (56)

His relative popularity - relative to that of Nathan - with the Natal Ministry, did not however mean that he was more able than his successor to make his views prevail. Rather it signified that he was more in agreement with the way that the Natalians saw things, and more susceptible to local pressure - which is how the Liberal government saw McCallum's declaration, albeit under protest, of martial law before the Richmond courts martial of March 1906. For this he was harshly criticised along with the Natal Ministry in Colonial Office minutes. (57)

However, McCallum did exert some pressure on the Natal Ministry to get it to attend to the welfare of the blacks, but it never amounted to very much. For example, before the outbreak of the rebellion, he had, in his capacity as Supreme Chief, urged that the administration of, and legislation affecting blacks, should be looked into; and his concern was partly responsible for the appointment of the Natal Native Affairs Commission which began its work in September 1906. (58) On the whole however, McCallum identified himself with white, rather than black, interests. On 6 June he left Natal for a post in Ceylon. "With the greatest respect", writes Stuart, "did Natalians of every class take leave of this public officer, for he was one who had very closely identified himself with their interests, in time of peace and of war". (59)

If the British government was unhappy with McCallum because of his limited ability to influence affairs in Natal, they hardly had less reason to complain about Nathan, Governor from 1907 to 1909. Though hand-picked by Elgin as a temperamentally more suitable replacement for McCallum, and though liked better by the Colonial Office than they liked his predecessor, Nathan satisfied neither the Natal Ministers nor Whitehall.

While displeasing Whitehall on one hand, Nathan also strained relations between himself and the Natal cabinet by having proclaimed martial law under protest. After this showdown - in which Nathan was checkmated⁽⁶⁰⁾ he had to temper his views if he was to acquire influence with the Natal Ministry, even if it meant abandoning some of his mores and adopting some of theirs. Accordingly, while condemning "native policy", he sympathised with white concerns for self-preservation, and politically, adopted the views of the benevolent paternalist school in Natal which advocated segregation and "no political but every personal freedom". (61)

Nathan had to temper his views and maintain some influence with the Natal Ministry for a number of reasons. Firstly, to insist upon his own untempered views when the British government itself lacked the power to back him up, and when the Governor himself lacked the means to make his views prevail, would be pointless. The Natal Ministry would not even try to meet the Governor if they felt that his requests were unreasonable.

Nathan would simply be checkmated again. It would be more sensible, if Nathan wished to have any influence with the Natal government, to try to get them to meet him on points that they considered more reasonable, and on which they might be prepared to meet him. Secondly, the Governor's function in Natal was in many respects essentially diplomatic - it was his job to prevent any major confrontation between the British and Natal governments, to keep Natal's loyalty, and to shepherd her towards Union. This Nathan did largely at the request of the High Commissioner, Lord Selborne, who was concerned to create a British South Africa with the Cape and Natal as a bastion against Afrikanerdom.⁽⁶²⁾ Selborne had in fact advised Nathan not to get on bad terms with the Natal Ministry in order not to harm its relations with Britain and thereby to impede or disrupt the forthcoming Union. Thirdly, Nathan had his own bread and butter to consider. After the controversial proclamations of martial law and consequent clash with the Natal Ministry, the Unionist opposition wanted him to vacate his position. Nathan appears to have felt it necessary, after the reprimand that he had received and the controversy generated because of the ensuing confrontation between the British and Natal governments, to avoid any similar conflict with the Natal Ministry which he might appear to have been instrumental in causing.

It was largely for these reasons that Nathan often sided with the Natal government on many issues. At Dinizulu's trial he supported the Natal Ministry's contention that local counsel was competent to defend Dinizulu, and balked at Elgin's suggestion of W.P. Schreiner to defend him, because this might raise cries of imperial "interference".⁽⁶³⁾ Similarly, he concurred with the Natal Ministry's suspension of Dinizulu's salary (though possibly he would not have had he been aware of the terms of the 1898 agreement concluded between Britain and Natal upon Dinizulu's repatriation from St. Helena, and which Elgin had to bring to his notice.) He also protested on behalf of the Natal ministers against Britain's "interference" when the British government decided to contribute towards the payment of Dinizulu's defence. He argued that blacks would see this as evidence of a clash between the Natal and Imperial governments, (the implication being that this would encourage black discontent and aggravate black-white relations in Natal). It was largely for these reasons that the Imperial government agreed to pay the Natal treasury

in secret, the money to be forwarded for Dinizulu's defence.

Though Nathan was unable to make his influence prevail against the Natal Ministry on vital issues, on less vital matters he was able to assert some influence in the direction of a more humane approach toward blacks. He instigated an enquiry into judicial flogging; this properly impressed the Natal Ministry and the offensive legislation was repealed. In addition, he encouraged missionary activity because of the minimal extent to which the state contributed to black education. In so doing, he earned the warm praise of many influential blacks; Imvo described him as a most enlightened and brilliant governor; and J.T. JabaVu expressed similar gratitude.

But neither McCallum nor Nathan had been able to make their influence prevail over the more vital issues of "Native policy". The Governor in Natal was caught in a difficult position; firstly, he was trapped between the Liberal government's conviction in the need to secure the welfare of the subject races, and the Natal government's de facto control of "native policy"; between the constitutional powers of the Supreme Chief who took the "ultimate decision" and had "all political power and authority over the Native population," and the Liberals and Natal Ministry's conviction in the inviolability of the principle of self-government. Secondly, since the Governor had no de facto bargaining power, such as control over the army, with which to enforce his powers, his influence depended on little more than his prestige and personal influence. Moreover, such personal prestige and influence that the Governor could manage to command depended on the extent to which he tried to get the Natal Ministry, against its will, to conform with the British government's wishes. His dilemma was that if he persisted in trying to bring them to heel, his prestige and influence tended to wane; and conversely, to maintain his personal influence he could not afford to take a line which the Natal Ministry did not like. Thirdly, since the British government was unwilling to see a confrontation or a crisis in relations between themselves and Natal, the Governor could not be certain that the British government would back him up if he took a firm line with the Natal Ministry. The British government would only intervene if Natal produced a major issue that conflicted with British interests or inflamed public opinion or if she appealed for Imperial assistance. With the Natal government not needing to appeal for Imperial aid on matters in Natal, the governors were in no position to enforce their supervisory powers granted to them by the constitution for fear of losing what influence they still had left with the settlers; and if that did happen they could well be recalled and replaced.

At the time of the granting of self-government to Natal, the British government had held the view that a self-governing Natal would mishandle its black population, and that it was therefore necessary for the British government to supervise their administration. It is clear however, that the British government was itself little qualified to carry out its responsibilities towards the blacks. The change of government in Britain in December 1905 had not^{been} accompanied by the fighting of oppression, the ending of 'methods of barbarism' and the restoration of 'justice, liberty and humanity', as the Liberals had promised would occur once they were in office. The failure of the Colonial Office to challenge the Natal government over its poll tax amounted surely, to an abdication of self-professed constitutional responsibilities to attend to the welfare of blacks, and by allowing the imposition of the Poll Tax Act. it became partly responsible for the consequences thereof. Moreover, it lacked the influence and the power to intervene to ensure that the Governor adequately exercised his constitutional rights and powers to supervise the government and administration of the blacks. This opens them to the charge of neglect. Though constitutional safeguards for the blacks did in fact exist, their limited practical application showed them to be meaningless.

III. THE MOTIVES OF THE BRITISH GOVERNMENT : PRINCIPLE OR SELF-INTEREST?

Given the Liberal government's difficulty in assuring that the constitutional safeguards for blacks were fully met by the Natal government, it might well be asked why Britain did not simply assume greater control of the colony, as she had done with Rhodesia after the Shona-Matabele rebellion of 1896-97. An analysis of Britain's wider interests would help to provide some explanation.

(i) Imperial unity

The principal objective towards which the British Liberal government - like their Unionist predecessors - was working in South Africa, was the securing of South Africa as a British sphere of influence. This was believed to be necessary for both strategic reasons⁽¹⁾ - the British government wanted to stabilise and strengthen this area that was of pivotal importance to the Cape sea route- and, in Roseberg's words, to "peg out claims for the future" and to "take care that the world, as far as can be moulded, shall receive the Anglo-Saxon and not another character".⁽²⁾ This, of course, was all part and parcel of the scramble for Africa which had begun in the 1880's and which was to last until the first world war - a scramble for territory that would provide the metropolitan powers with the resources that seemed to be necessary if they were to survive into the twentieth century as great powers.⁽³⁾ The Liberal government was just as imperial minded as their Unionist predecessors. Britain's interest therefore, as Ripon wrote to Campbell-Bannerman in 1892, was "to maintain and strengthen the bonds of union with our colonies so far as possible, and they are willing".⁽⁴⁾ This meant, of course, maintaining and strengthening British paramountcy within the empire. Again, like their predecessors, the Liberals were quite as eager to ensure continued British paramountcy in South Africa.⁽⁵⁾ Campbell-Bannerman, for example, stressed at Maidstone on 6 October 1899 the need to ensure British "paramountcy throughout South Africa", and wrote after the Anglo Boer War that the Boers should be made to see that the British were "on top".⁽⁶⁾ British paramountcy, according to the Liberal government's thinking, was to be achieved by giving the South African colonies self-government so that they could realise their own interests and aspirations with minimal outside interference by the imperial government. As Campbell-Bannerman emphasised at the 1907 Imperial Conference:

We found ourselves, gentlemen, upon freedom and independence - that is the essence of the British imperial connection; freedom of action on the part of the individual State; freedom in their relations with each other and with the Mother Country. Anything which militates against that principle would be wholly contrary to the genius of our race and our political ideals, and would sooner or later be disastrous. (7) (My emphasis)

It was the policy of the Liberal government then, to grant responsible government to whichever colonies had the resources, in Pyrah's words, to stand on their own two feet and pay their own way. This type of freedom, to their thinking, gave rise to loyalty which in turn gave rise to imperial unity. (8) The alternative seemed to raise the spectre of Ireland all over again. (9) This was the thinking behind the Campbell-Bannerman's "magnanimous gesture" in granting responsible government to the Transvaal Boers in 1907. And freedom - responsible government - once granted, could not be taken away because this would strain relations between the metropolitan power and its dominions, and thus disrupt imperial unity. As the colonial secretary from 1910 to 1915, Lewis Harcourt, pointed out, the British empire depended on the British government's renunciation of the right to interfere even if measures taken by self-governing colonies were repugnant to its views. Tolerance and restraint alone, he pointed out, could maintain continuing unity. (10)

It was because of this implied sensitivity of her ^{self-governing} colonies on the issue of responsible government that Britain felt it could not intervene too decisively in affairs in Natal during the disturbances, especially after the protests in March 1906, of the Transvaal, the Orange River Colony, the Cape, Southern Rhodesia, New Zealand and Australia. To these colonies, it did not matter that Britain had a special responsibility towards the blacks in a colony which was not completely autonomous (the Natal Ministry not having unrestricted control over its black population) and that she was merely trying to exercise those responsibilities. As far as her other self-governing colonies were concerned, Natal was also self-governing colony, the principle of responsible government was quite incompatible with any notion of imperial interference in its internal affairs, and no precedent infringing colonial autonomy could be allowed. (11) Having granted responsible government to Natal, Britain was not in a position to assume greater control there to ensure that her obligations towards the blacks were carried out.

A reassertion of control after the Bambatha rebellion was hardly thought of.

This would run directly contrary to Liberal thinking on the irrevocability of self-government, and a Liberal-dominated parliament pledged to retrenchment in colonial affairs would have voted the money for it.⁽¹²⁾ Moreover, any attempt by the British government to reassume such control would always face opposition in Natal itself, of such a nature as to make such resumption impossible to carry out. The British claim to influence affairs, let alone revoke the granting of self-government, was not happily received by most whites. Most Natal politicians seem to have held the view that one of the best ways to make political capital was to raise the cry against 'Downing Street interference',⁽¹³⁾ and attempts by the British government to exert some influence on affairs in Natal, no matter how well intentioned, could easily be blown up into a constitutional issue involving Britain's other self-governing colonies.⁽¹⁴⁾ The British government was not prepared to risk this.

(ii) A White South African Union

From Britain's point of view, her own paramountcy in South Africa, as has been pointed out, was all important. Responsible government - freedom from the imperial interference which tended to generate discord between dominions and mother country⁽¹⁵⁾ was the cement of imperial unity. The Liberal government could not appeal to any formal constitutional structure through which to promote the unity of the empire. The Liberals envisaged the empire as an informal structure, the unity of which was based on the common institutions, traditions and interests, and on the free association of its constituent members, thus anticipating the Commonwealth system which was more consciously developed later in the century.⁽¹⁷⁾ The common interests of the respective dominions and Britain were attended to through the Imperial Conference system and a permanent secretariat established in a new Dominions Department. The conferences - held quadrennially - were essentially deliberative, the dominions and Britain meeting on an equal footing - and had no legislative or executive power and thus could not infringe colonial autonomy.⁽¹⁸⁾ The essential point to note however, is that the system did not provide Britain with any power that would bind the colonies to her, and therefore it was essential that she did not antagonise them on the issue of responsible government.

The British government's immediate interest in South Africa was to bring about a unification of her colonies there, and it felt that it must not do anything which could disrupt it. Unification seemed to be necessary to put an end to

the perpetual bickering between the South African states which was largely generated by cut throat competition between the maritime colonies for the Transvaal forwarding trade, and continuous tension between them and the Transvaal over the latter's modus vivendi concluded with Mozambique, by which most of the Transvaal's forwarding trade went via Delagoa Bay at the expense of the other South African colonies.⁽¹⁹⁾ Most of Natal and the Cape's revenue was derived from railway receipts and customs duties and each colony regarded the modus vivendi and competition from each other as directly responsible for their annual deficits.⁽²⁰⁾

The British government felt that unless some form of federation of the South African states could be brought about so that the interests of each colony could be more rationally managed and the transit trade more equitably redistributed, intercolonial friction would persist and possibly escalate.⁽²¹⁾ And such continuous instability would adversely affect Britain's attempts to consolidate the stable paramountcy which was foremost in the Liberal government's mind in regard to her South African possessions. Any decisive intervention in Natal, it was feared, would disrupt the unification process. Apart from Natal; the Transvaal, the Cape, the Orange River Colony and Rhodesia - all potential participants in the future Union, had protested at the time of the March 1906 Richmond court's martial episode, and they would be sure to hesitate to join in a Union under British paramountcy if the British government persisted in intervening in the internal affairs of Natal, a self-governing colony.

Another factor which helps to explain why the Liberal government had failed to intervene in order to "advance equal rights for men irrespective of colour" and to bring "social justice" to the empire as they had pledged in 1906 to do, was that British Liberalism was not so advanced in the pre-Union years that it seriously postulated equality between black and white.

British politicians, almost generally, appear to have believed blacks to be irredeemably inferior to whites. Asquith, Campbell-Bannerman's successor as Prime Minister in 1908, did not believe that all the blacks in South Africa were "capable of progress";⁽²²⁾ Morley - a radical Liberal - would "not submit to be governed by a man of colour".⁽²³⁾ Social Darwinism, a concept which enjoyed wide currency at that time, appears to have had a strong impact on Liberal ideology. The 'policy' of the Liberal government - vague and unspecific as it was - towards the blacks, reflected their conviction in the inequality of the races and their belief in the need for racial separation so that the blacks could "develop along their own lines", as the best solution

to the South African problem: land should be reserved for the exclusive use of blacks, black education should be encouraged by grants to missionaries, tribal institutions should be preserved, both races should remain separate politically. (24) Though progress should be encouraged it was only in the distant future that blacks might reach parity with the whites, at which stage "a treaty may be concluded between them, fair to both". (25) Until that stage was reached, however, blacks were "better left under a personal rule." Elgin told Churchill *in September 1907 that there was undoubtedly*

some difficulty in combining the 'personal' rule of the Native (which must almost of necessity rest with the Governor) - and the 'self-government' accorded to the Colony as a whole, and exercised by the white inhabitants. But I am not satisfied that a compromise is impossible. (26)

however,
(Any such compromise was, as is illustrated in Chapter I and 2, above, a very weak one on the British government's side).

It should be borne in mind ~~moreover~~, that the British government's policy towards the blacks in South Africa was still in the making. At the time of the disturbances the Liberal government did not have before it any set programme which it wished to implement, but merely had instead vague academic ideas of a speculative and fluid type to guide it. The reasons for this were threefold. Firstly, the Liberals had relatively little sociological knowledge and experience of Africa, and still needed time before such knowledge and experience could suggest a practicable policy towards blacks in Africa. Secondly, the black-white problem in South Africa had at the turn of the century, still not thrust itself upon the attention of the British government. As Bryce observed on the eve of the Boer War: "The social and political troubles which the juxtaposition of the two races has caused in North America ... have as yet scarcely shown themselves in South Africa. Neither in the British colonies nor in the Boer Republic is there any cause for alarm". (28) Thirdly, the overriding problem which did absorb the Liberal government's attention instead was the post-war Anglo-Boer animosity in South Africa, and the desire to win over Boer loyalty. This was essential if Britain was to secure her paramountcy over a region in which over half the whites would be Dutch speaking, and had little historical and traditional affiliations with any other white race within the empire. In comparison with the Anglo-Boer problem facing the British government, the black-white one was relatively latent. (29)

The Liberal government's belief in the inferiority of the black man, and their lack of a cohesive general policy towards blacks in South Africa, was

not conducive to any intervention on behalf of the black man that would ensure that the ideals of 'social justice' and 'equal rights for men irrespective of colour' were actualised. In addition, this lack of intervention and lack of policy and initiative meant that 'Native policy' was allowed to fall into the hands of those who did have both policy and initiative, while the British government contented itself with merely advising on or criticising policies carried out by South Africa whites. 'Native policy', despite constitutional safeguards despite high ideals held by members of the Liberal government, despite Elgin's belief that a compromise was possible between 'personal rule' and self-government, was essentially home made, and if anywhere, as Welsh⁽³⁰⁾ and Swanson⁽³¹⁾ have pointed out, it was made in Natal. And since the British government and the South African governments believed alike in the inferiority of the black man and the need for separate institutions, the former was not indisposed to accept policies towards the blacks which reflected these beliefs: Elgin did not condemn the Report of the South African Native Affairs Commission which advocated territorial and franchise separation;⁽³²⁾ and the British government accepted the Selborne Memorandum advocating unification, though not a word was devoted to black interests.⁽³³⁾ As Seely, Churchill's successor as Under Secretary, put it, the British government "wanted to arrive as far as possible at a White South Africa".⁽³⁴⁾

(iii) Electoral support

Another factor militating against decisive intervention by the Liberal government in Natal, was its concern for its electoral support and credibility. The new Liberal government that swept into power in 1906 was probably the most democratic government yet to have come into power and was more than ever sensitive to the public opinion upon which, to a large extent, its survival depended - it was the unpopularity of the 'small wars' of the 1880's for example, that had brought down the previous Liberal government.⁽³⁵⁾ The Campbell-Bannerman/Asquith administration therefore had taken into consideration the feelings of the electorate in the formulation of policy.

Public opinion had hardly been aroused over certain vital issues in Natal, such as the Poll Tax Act, because their consequences, at the time of the passing of the act, were opaque not only to the Liberal government, but also to a remote British public; but on the maltreatment of the blacks under martial law and over the trial of Dinizulu which were much more sensational, the sentiments and emotions of the British public were easily inflamed. Hence:

the British government was careful to publish blue books over Nathan's controversial proclamation of martial law in 1907 prior to Dinizulu's arrest, and hence the British government's ability to take a firm line on Dinizulu's trial.

However, on the whole the electorate's concern for blacks in the empire was not stronger than their concern for the unity of the empire. The British electorate was still overwhelmingly empire minded. Decisive intervention in Natal, as has been pointed out, would seriously threaten the unity of the empire. The electorate realising the wider consequences of such intervention, or those consequences working themselves out, could well spell political suicide for any British government bold enough to hazard it. Heads would be bound to roll at a subsequent election. For the Liberal government, discretion was most decisively the better part of valour. For their continuance in office they had to keep a delicate compromise between its intervention for humanitarian reasons and its concern to see that it did nothing that would threaten imperial unity and give the Opposition Unionists ammunition sufficient to shoot down the Liberal government.

(iv) Economy

Thus Britain's failure to intervene in Natal on behalf of the blacks can largely be attributed to such intervention having adverse implications for the British government's wider interests. The British government directed more energy towards safeguarding these self-serving interests than towards implementing altruistic humanitarian interests upon which its survival did not so heavily depend. And not least among the reasons why the British government failed to live up to its constitutional responsibilities towards the blacks in Natal, was economic. Compared with India, Australia and Canada where inter-racial animosity was just as bad, on the whole, as in Natal, the Colony of Natal was merely a tiny outpost of the British Empire. If the British government was to put an end to all racial injustice and oppression in the empire as she had undertaken to do in 1905 and 1906, and if it was to ensure that constitutional safeguards for blacks in her African possessions were not in practice violated, then before long that government would be bankrupt and voted out of office by angry and indignant taxpayers, who had only just voted in the Liberals pledged to retrenchment, who had now suddenly gone back on their election pledges and decided on a grand crusade.

While it would have been far too costly, and possibly quite beyond the resources of the British government to supply the troops necessary for intervention throughout the empire to liberate it from 'oppression', 'injustice' and the like, there is also some evidence which suggests that the occasional (but modest) intervention by the British government (e.g. on Dinizulu's trial, the March 1906 Courts Martial) and its writing up of safeguards for the blacks into the 1893 Constitution Act - i.e. its apparent humanitarianism - was also affected by self interest. The British government does appear to have believed that the failure on their part to prevent the white colonists from committing outrages against the blacks, would cost them ultimately. As Lord Loreburn wrote Elgin in December 1907, it was them "who (were) the people really to pay if a great war comes".⁽³⁶⁾ And as Elgin wrote in a Colonial Office Minute on 5 April 1906:

..... there will be danger of a collision between the white and coloured races, unless the relations between them are fair and equitable. If that collision takes place, it is beyond doubt that an appeal for Imperial assistance is inevitable - and the strain even on Imperial resources may be severe. It is not too soon even now to take the future into account, and to consider what steps are open to us to secure the just interests of the Natives. (37)

CONCLUSION

It would seem then, that self interest, rather than altruistic humanitarianism had predominated over the British government's relations with Natal during the disturbances in Natal. It would seem that the Liberal government had manifestly failed to restore to the empire the 'old ideals of justice, liberty and humanity', that they had failed to transform the empire into a 'wonderful thing' and a 'great moral force for enlightening mankind and fighting oppression'. In Natal, at the height of the disturbances, 'noble and progressive principles' were nowhere to be found. It would seem that the wings of that Liberal chorus which had sung so sweetly upon achieving office, had failed to sprout, and that their halos, having lost their lustre, had fallen to the ground, and in the fury of practical politics, been trampled underfoot. Perhaps behind Elgin's reserve, his criticism of A.B. Keith, and restraint of his Under Secretary, there was a cynical indifference to the plight of blacks in Natal. Perhaps, upon careful inspection, it would have been found that the Liberal ministers had horns.

It is easy to make fun, at the expense of the Liberal government, of the discrepancy between its stated altruistic and humanitarian intentions, and the minimal extent to which they were put into practice. But it is not easy to condemn them for having failed to intervene, since to a large extent they were powerless - bound by economic, imperial and *electoral* considerations - to intervene decisively. Events in Natal were largely beyond the control of politicians at Westminster.

And though concern for Britain's own interests took precedence over altruistic humanitarianism in the British government's policy, this did not mean that humanitarian principles were entirely jettisoned. Rather, Britain's wider interests marked the parameters within which principles could be, and were pushed, and pushed hardest when they acted in concert with Britain's interests. These were the parameters within which the demands of humanitarian bodies, like the Aborigines Protection Society, Labour MP's, and concerned sections of the British electorate, had to be met if they were to avoid a potentially vote-sapping reputation for being indifferent to the plight of blacks in Natal. And though the concern of individual members of the British government for the welfare of blacks in Natal never extended so far that they seriously considered restricting the Colony's autonomy - despite its constitutional right and its obligations to do so - and thus infringing the Liberal government's wider interests, this did not mean that they were indifferent to the fate which befell blacks in Natal. The outbursts of Winston Churchill, the Under Secretary of

State for colonies, on the way Natal was handling the disturbances, cannot be easily dismissed as lacking in sincerity.

Nor did the British government necessarily pursue its wider interests at the expense of humanitarian principles. It has been pointed out, that it was in Britain's interests to refrain from intervening decisively in Natal in case this would disrupt the unification of the South African colonies, but unification itself was seen as the solution to the difficulty of getting the Natal government to deal with blacks more sympathetically. In a cabinet memorandum dated 23 July 1906, Elgin wrote that

Panics not unnaturally affect small white populations surrounded by coloured and more or less savage races. The ultimate remedy in South Africa would be federation, whereby white sentiment would be steadied, and white government would gain confidence. (1)

Campbell-Bannerman had similar sentiments: "Those Natal people ... are tiresome to the last degree. I hope federation will soon squelch them". (2) It was felt that the parochial views of Natal counted a lot for Natal's unsatisfactory administration of blacks⁽³⁾ and that the solution lay in submerging this 'weak spot' in a wider federation.⁽⁴⁾

It might of course be argued that these statements represented the British government's wishful thinking, rather than genuine humanitarian concern, and that they were still concerned about their own purse. That may well be true, but there is reason to believe that there was substance to their views that the administration of blacks would improve with Union. The Union would, after all, possibly be led by the likes of Smuts, Merriman, Botha and Steyn, all of whom had deplored the way Natal had handled the disturbances.⁽⁵⁾

The influence of the British government on affairs relating to the disturbances had indeed been insubstantial; they had been powerless to intervene to ensure that constitutional safeguards for Natal's black populations were respected, and the British government's policies had been motivated largely by self interest, rather than abstract principles. Yet perhaps its halo had not completely lost its shine.

NOTES AND REFERENCES

1. Bryce to Goldwyn Smith 12.4.01 quoted in Hyam R., Elgin and Churchill at the Colonial Office (London 1968) p. 50.
2. MacCullum Scott A., Winston Spencer Churchill (London, 1905) p.259.
3. Churchill speaking before the House of Commons, Feb. 1906, quoted in Hyam, Elgin and Churchill, p.375.
4. Parl. Pap., 1906, Cd. 2905, No. 1, p.1
McCallum to Elgin, 5.1.06
5. See E.H. Brooks and C. de B. Webb, A History of Natal (Natal, 1965), p.220-222.
6. Parl. Pap., 1906, Cd. 2905, No. 3, p.2, McCallum to Elgin, 9.02.06.
7. According to the first Union census (1911), of a total population of 1 194 043 in Natal, 98 114 were white and 953 398 were black. (The Union Year Book No. 6, 1910-1922). The whites were therefore outnumbered at nearly 10 to 1, a ratio which was always increasing.
8. Parl. Pap. 1906, Cd. 2905, No. 25, p.13, McCallum to Elgin, 7.03.06.
9. Stuart J., A History of the Zulu Rebellion (London 1913). p. 64
10. Marks, Reluctant Rebellion, the 1906-1908 disturbances in Natal (Oxford, 1970) pp. 190-191
11. Stuart, History p.64
12. Marks, Rebellion p. 187
13. Ibid, p.189
14. Stuart, History p.152f.
15. Hyam, Elgin and Churchill, p.240.
16. Parl. Pap., 1906, Cd. 2905, No.25, p.13, McCallum to Elgin, 7.03.06
17. Marks, Rebellion p.250.
18. Parl. Pap. 1906, Cd. 3247, No. 25, p.17 McCallum to Elgin, 3.08.06.

19. Marks, Rebellion p.194
20. See Parl. Pap. 1906, Cd. 2905, No. 57, McCallum to Elgin 9.3.06, referred to by Marks Rebellion, p.195
21. Stuart, History p.150
22. Somerville C.C., Relations between Britain and Natal over the Bambatho rebellion and Dinizulu Affair, B.A. Hons. essay (Natal, n.d.) p.7
23. Stuart, History p.151
24. Ibid
25. Hyam, Elgin and Churchill, p.9f
26. Marks, Rebellion, p.191
27. Parl. Pap. 1906, Cd. 2905, No. 35, p.26, Elgin to McCallum, 28.3.06.
28. Hydon A.P., Sir Mathew Nathan. British colonial governor and civil servant (Queensland, 1976) p.133
29. Brookes and Webb, Natal p.224
30. Marks, Rebellion, p.192
31. Child, D., Charles Smythe, pioneer, premier and Administrator of Natal, (C.T., 1973); see also Parl. Pap., 1906, Cd. 2905, No. 37, p.26, McCallum to Elgin 29.3.06.
32. As happened when the Smythe ministry succeeded that of Sutton. See Child, Smythe p.200.
33. Brookes and Webb, Natal, p.224, See also Parl. Pap. 1906, Cd. 2905, No. 37, p.26, McCallum and Elgin, 29.3.06.
34. Marks, Rebellion, p.192.
35. Stuart, History, p.153
36. Hyam, Elgin and Churchill, p.246
37. Parl. Pap., 1906, Cd. 2905, No. 48, p.34, Governor of New Zealand to Elgin, 3.04.06.
38. Hyam, Elgin and Churchill, p.246f.
39. Parl. Pap., 1906, Cd. 2905, No. 75, p. Elgin to McCallum. 30.3.06.
40. Hyam, Elgin and Churchill, p.242

41. Parl. Pap., 1906, Cd. 2905, No. 55 p Elgin to McCallum, 6.4.06.
42. Ibid, Cd. 2905, No. 58, p.39 McCallum to Elgin, 7.4.06.
43. Ibid, Cd. 2905, No. 34, p.26 McCallum to Elgin, 2.4.06.
44. Brookes and Webb, Natal, p.222
45. Parl. Pap., 1906, Cd. 2905, No. 49, p.34 McCallum to Elgin.
46. Ibid. Cd. 2905, No. 50, p.35, McCallum to Elgin, 5.4.06.
47. Ibid. Cd. 2905, No. 64, p.40, McCallum to Elgin, 9.4.06.
48. The Transvaal offered 500 Volunteers armed and maintained at its own expense. The Cape sent two maxims, some Cape Mounted Riflemen to match; and a Signalling Corp. (Stuart, History pp.64,65; See also Parl. Pap. 1906, Cd. 3027, Nos. 36, 36 and 48, p.44 and Parl. Pap. 1906, Cd. 2905, No. 77, p.46)
49. Brookes and Webb, Natal, p.224.
50. Hyam, Elgin and Churchill, p.245.
51. See the following Parl. Papers: 1907, Cd. 3027, No.101 p.102, McCallum to Elgin, 17.7.06 and 1906, Cd. 2905, No. 88, p.54, McCallum to Elgin, 3.5.06.
52. Bosman, W., The Natal Rebellion of 1906 (London, 1907) p, 107. Bosman argues that decapitation was necessary to dispel the superstition that Bambatha was invulnerable and so to forestall further unrest. The body itself, he says, was in an irretrievable position.
53. Marks, Rebellion, pp.238,239.
54. McKenzie denied that any atrocities were carried out by Colonial troops under his command (Col. D. McKenzie in Introduction to Bosman, Natal Rebellion)
55. Markes, Rebellion, p.233
56. Ibid.
57. Clause 9f. quoted by Marks, Ibid, p.237.
58. C.O. Minute quoted by Markes Ibid; See also Parl. Pap., 1906, Cd. 3247, No. 28, p.28, Elgin to McCallum, 6.8.06. The Natal ministry could not lift martial law until the British government had given assent to an Indemnity Bill

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- (Parl. Pap. 1906, Cd. 3247, No. 3, p.6, McCallum to Elgin, 20.7.06).
59. Hyam, Elgin and Churchill, p.246.
 60. Ibid, p.247
 61. Parl. Pap. 1906, Cd. 3247, No. 3, p.6, McCallum to Elgin 20.7.06, and No. 38, p.53, McCallum to Elgin 18.8.06; Parl. Pap., 1906, Cd. 2905, No. 6, p.3, McCallum to Elgin, 10.2.06 and No. 33, p.25, McCallum to Elgin, 27.3.06.
 62. Parl. Pap., 1906, Cd. 3247, No. 35, p.36, McCallum to Elgin 15.8.06.
 63. C.O. Minute quoted by Markes, Rebellion, p.191.
 64. Haydon, Nathan p.133
 65. The Smythe ministry had resigned in November 1906 (Child Smythe, p.207).
 66. Marks, Rebellion, p.19.
 67. Hyam, Elgin and Churchill,
 68. In addition to keeping the troops there, in January 1907 an additional half battalion was sent to Pietermaritzburg (Parl. Pap., 1906, Cd. 3247, No. 6, Elgin to McCallum, 21.01.07).
 69. Hyam, Elgin and Churchill, p.251.
 70. Ibid.
 71. See Hyam Ibid, pp.251,252.
 72. Marks Rebellion, p. 19.
 73. This was the belief generally held by most whites (Parl. Pap., 1906, Cd. 3027, No. 5, p.2, McCallum to Elgin, 11.07.06), see also Walker E.A., W.P. Schriener, a South African, (London, 1937), p.141
 74. Stuart, History, pp.117-8.
 75. Ibid, pp.340-1
 76. Brookes and Webb, Natal, p.225
 77. Parl. Pap., 1906, Cd. 3247, No. 49, p.68, McCallum to Elgin, 24.8.06.
 78. Stuart, History, p.442.

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79. Hyam, Elgin and Churchill, p.254
 80. Ibid, p.255, The Moor ministry had appointed the Commission to enquire into the disturbances. It submitted its Report in July 1908 which thoroughly condemned the prevailing system of 'native administration' because of a lack of both services for blacks and adequate development in the reserves (See Report of Natal Native Affairs Commission) The government had largely failed to actualise any of the recommended reforms.
 81. Hyam, Elgin and Churchill, p.256
 82. Parl. Pap., 1906, Cd. 3247, No. 8, p.9, McCallum to Elgin, 23.7.06.
 83. Stuart, History, p.49.
 84. Walker, Schreiner, p.142. See also Parl. Pap., 1906 Cd. 3027, No. 3, p.2, McCallum to Elgin, 2.5.06.
 85. Parl. Pap., 1906, Cd. 3247, No. 50, p.68 McCallum to Elgin, 16.9.06.
 86. Stuart, History, p.491.
 87. Parl. Pap. 1908, Cd. 3888, No. 74, p.174, Elgin to Nathan, 2.12.07
 88. Parl. Pap. 1908, Cd. 3998, No. 2, p.1, Nathan to Elgin, 24.1.08.
 89. Marks, Rebellion, p.262
 90. Ibid, p.261
 91. The twenty five ring leaders had been sent to St. Helena (Hyam, Elgin and Churchill, p.751. Nathan secured the release of 1 973 in March 1908. One hundred and sixteen remained in gaol (Parl. Pap., 1908, Cd. 3998, No.61 p.144, Nathan to Elgin, 27.3.08.
 92. Parl. Pap. 1908, Cd. 3888, No. 99, p.194, Nathan to Elgin, 23.12.07
 93. Hyam, Elgin and Churchill, p.257
 94. Ibid. p.258. See also Parl. Pap., 1908, Cd. 3888, No.99 p.194, Nathan to Elgin 23.12.07
 95. Marks, Rebellion, p.262 and f.

- 96 Illanga Lase Natal, 3.05.07 and 20.06.08; Imvo 19.06.09, quoted in Marks, Rebellion, p.341.
- 97 "I have the honour, Sir, to express my thankfulness because you, who are a native of Africa, are now in charge of our affairs. I have a very great confidence in you Because you, Sir, Mr. Moor, belong to us, and we belong to you; therefore our pleasure in regard to your being Minister passes all bounds. The pleasure is so great that it almost compels a man to stand aghast and be unable to say anything, and simply do nothing but laugh with pleasure." (Parl. Pap., 1908 Cd. 3888, Enclosure 2B in No. 71, p.172, Dinizulu to Moor, 27.10.07) An hyperbolic statement, certainly, and very possibly designed largely to encourage Moor (as both Prime Minister and minister of Native Affairs) to take, administratively, a more lenient line towards blacks. It is clear, however, that Moor's replacing the less sympathetic H.D. Winter as MNA, is welcomed.
- 98 Haydon, Nathan, p.134
- 99 Parl. Pap. 1908, Cd 3888, No. 84, p.178 Nathan to Elgin 9.12.07
- 100 The British government, which had been responsible for the administrative management of Zululand since the Zulu War, had agreed to meet the Natal government's request for the annexation of Zululand on condition that Dinizulu be installed as chief of the Usuthu and as government induna (i.e. to be consulted by the Natal government on matters affecting blacks) with a salary of £500 p.a. (Stuart, History, pp.478,479). It was expressly stated in the terms of the agreement that Dinizulu's position and salary "will not be withdrawn without the approval of the Secretary of State". (Parl. Pap. 1908 Cd. 3998, p.7)
- 101 Hyam, Elgin and Churchill, p.259f
- 102 Trial of Dinizulu on charges of high treason at Greytown, Natal, 1908-9: summary of evidence and accusations (Pmburg, 1910)
- 103 Walker, Schreiner, p.150
- 104 Walker, Schreiner, p.144
- 105 Parl. Pap., 1908 Cd. 3888, No. 100, p.194, Elgin to Nathan, 23.12.07
- 106 Marks, Rebellion, p.271. See also Parl. Pap. 1908

Cd. 3998, No. 27, p.64, Elgin to Nathan, 15.2.08.
Elgin undertook to secure the "highest legal assistance" for Dinizulu.

- 107 Lucas to Nathan, quoted by Marks, Rebellion, p.272
- 108 Walker, Schreiner, p.147
- 109 Marks, Rebellion, p.273
- 110 Natal Witness, 4.04.08
- 111 Parl. Pap. 1908, Cd. 3998, No. 5, p.6, Nathan to Elgin 28.1.08
- 112 i.e. not an ordinary court martial. See Parl. Pap. 1908, Cd. 3888, No. 58, p.149 Elgin to Nathan, 27.9.08
- 113 See Walker, Schreiner, p.146
- 114 Hyam, Elgin and Churchill, p.260; Walker, Schreiner, p.152.
- 115 The British government were not so generous that the defense did not have to struggle to make ends meet. it forwarded £2100 for expenses that came to over £3000. (Walker, Schreiner, p.151)
- 116 Brookes and Webb, Natal, p.221
- 117 Trial of Dinizulu ... summary of evidence and accusations.
- 118 His position and salary were "strictly dependent on the manner in which he behaves and obeys the laws laid down for his guidance" (Parl Pap., 1908, Cd 3998, C.O. Note p. 7). See also Walker, Schreiner, p.154.

NOTES AND REFERENCES : Ch. II

1. See appendix II, clauses relating to the powers of the Government in the Constitution Act of 1893, and appendix 3, summary of Instructions to the Governor.
2. See appendix 3, Instructions, paragraph VIII clause 8; and appendix 4, Powers of the Governor as Supreme Chief.
3. See appendix 3, Instructions, paragraph VI.
4. See Parl. Paps. 1890-1 C 6487 and 1893-4, C 7013.
5. Appendix 1, Constitution, paragraph 6.
6. Ibid, paragraph 7.
7. The Poll Tax Act is quoted in full in the appendix to Parl. Pap., 1906 Cd 2905, pp.59,60)
8. The post Anglo Boer War boom having lasted only a couple of years after 1902.
9. Brookes and Webb, Natal,
10. Marks, Rebellion, pp.140, 141.
11. See appendix I, extract from the Poll Tax Act.
12. Marks, Rebellion p. 198
13. The primary reason for its introduction was to meet a deficiency of £583 000 in the budget for 1907 (The Natal Directory of 1907, 53).
14. This would, of course, have affected whites, Asiatics and Coloured only, the blacks already being liable for a hut tax.
15. Child, Smythe, p.201
16. Talbot, C.J. Public Opinion in Natal (B.A. Hons. essay, Natal University. For a more thorough explanation of how and why the poll tax affected the blacks upon whom it fell, more harshly than the whites, see Talbot, Chapters III and IV.
17. The Natal Mercury, 21.4.06 pp.9,11; Parl. Pap. 1906 Cd. 2905 No. 27, p.16 Nathan to Elgin 16.3.06. "Ministers think ... that rebels must be read a lesson."

18. Marks, Rebellion, pp.141,142
19. Paxton, R.O., Europe in the twentieth century. (New York, 1975) p.3. Their thinking was strongly influenced by the social Darwinism of their day.
20. Marks, Rebellion, pp.XXIII, 67.
21. C.O. Minute quoted by Markes, Rebellion p.142
22. Marks, Ibid, p.142
23. Minute by H. Lambert, quoted by Marks, Ibid, p.142
24. See p. /3 above.
25. They were there as an additional safeguard, to be called on only if the Natal government's own forces should need aid to put the rebels down.
26. Marks, Rebellion, p.182
27. Due to the post war depression only 2854 were taken on, however. The reserves were not balloted but were left to elect their own officers and attend to the defenct of their respective districts, commando style (Stuart, History pp.49,52)
28. Stuart, History, pp.42,43
29. Ibid. Chapter IV of Stuart, History, provides a comprehensive analysis of the colony's military organisation upon the outbreak of the disturbances.
30. Marks, Rebellion, p.182
31. Act No. 30, Section 1, See Stuart, History, p.42.
32. Marks, Rebellion, p.183
33. Ibid, p.184
34. Stuart, History, p.62
35. The main reason why they had wanted responsible government was to get control of Native policy. (Brookes and Webb, Natal p.175)
36. Marks, Rebellion, p.187.
37. Hyam, Elgin and Churchill, p.374
38. Ibid.
39. Ibid, p.256
40. See Parl. Pap., 1908, Cd 3888 No. 73, p.174, Elgin to Nathan, 2.13.07.

41. Hyam, Elgin and Churchill, p.276
42. Parl. Pap. 1905, Cd. 2905, No. 38, p.29 Elgin to McCullam 30.3.06.
43. Hyam, Elgin and Churchill, p.244
44. Ibid.
45. Ibid, p.380
46. Their exclusion from any federation would be disastrous.
47. Silburn, P.A., 'The Constitutional Crisis in South Africa' (Durban n.d.) p.1.
48. Ibid, p.2
49. See above, p.
50. Haydon, Nathan, p.130
51. Stuart, History, p.45
52. The Natal Witness, 16.04.03, p.5
53. Stuart, History, p.402
54. Parl. Pap. 1906, Cd. 3247, No. 43, p.63 Elgin to McCallum, 2.09.06
55. Parl. Pap. 1906, Cd. 3247, No. 6, p.7 Elgin to McCallum 21.01.06.
56. See Marks, Rebellior, p.341.
57. Ibid.
58. Stuart, History p.424. The NNAC submitted a report to the Sec. St.in 1908 (Parl. Pap., 1908, Cd 3998, No. 23, Enclosure 1 pp.41-56) See also the influence McCallum exerted on behalf of blacks, mentioned on p above).
59. Stuart, History p.428
60. See above pp. 11, 12
61. Haydon, Nathan, p.141
62. A Review of the present mutual relations of the British South African Colonies (Selbourne Memorandum)
63. Haydon, Nathan, p.146

NOTES AND REFERENCES: Ch. III

1. See Thesis of R. Robinson and J. Gallagher, Africa and the Victorians : the official mind of imperialism (London, 1961)
2. G.B. Pyrah, Imperial policy and South Africa, (Oxford 1955). p. 23
3. G.N. Sanderson, 'The European partition of Africa' in Journal of Imperial and Commonwealth history (October, 1974)
4. Pyrah, Imperial policy p. 2
5. The Unionists' Confederation schemes for this purpose dated from the 1870s' under Carnarvon's auspices. (Davenport TRH, South Africa : a modern history, (Rhodes, 1977). pp. 128-132)
6. Quoted in Pyrah, Imperial policy, p. 55
7. Ibid. p. 3. Their experiences in Ireland had taught them that.
8. Ibid.
9. See Campbell-Bannerman's concluding sentence, quoted above. The Liberals trod carefully in regard to South African affairs, specially as far as their relations with the Dutch speaking section of the population were concerned. Not too infrequently they appear to have caught a glimpse of the ghosts of Parnell and the Sinn Fein lurking in the background - and that was enough to send any Liberal, quaking, beneath the covers.
10. Hyam, Elgin and Churchill, p. 277
11. See cable from Australia quoted on p 5 above:
" ... intervention ... would ... establish ... a dangerous precedent affecting all states within the empire"
12. 'Retrenchment' was one of the Liberal party's electoral planks in 1906.
13. Marks, Rebellion, p. 339
14. Except on the issue of Dinizulu's salary - but this was the exception rather than the rule. See above
PP. 28-30
15. As the American revolution and Canadian rebellion had indicated.

17. See Hyam, Elgin and Churchill, pp. 525-546
18. Pyrah, Imperial policy, pp. 11,12. In fact, Canada and the Transvaal had only accepted the Colonial Conference system on condition that it would not be detrimental to their autonomy.
19. Selbourne Menorandum
20. J. van der Poel, Railways and customs policies in South Africa 1855-1910 (London, 1933) offers a thorough analysis of the character of such inter-colonial rivalry in the years preceding unification.
21. Selbourne Memorandum
22. Hyam, Elgin and Churchill, p.373
23. Ibid, p.377
24. Elgin disapproved of the Cape Colony's mixed franchise because the 'gradual growth' of a class of enfranchised blacks would eventually destroy all sense of security amongst the whites (Hyam, Elgin and Churchill, p.377)
25. Hyam, Elgin and Churchill, p.379
26. Elgin to Churchill, 25.09.07 quoted in Hyam, Elgin and Churchill, p.376
27. Hyam, Elgin and Churchill, p.380
28. Bryce, Impressions of South Africa, (London, 1899) pp.361-2
29. Ibid, p.370
30. Welsh, The Roots of Segregation; Native Policy in Colonial Natal, 1845-1910
31. H.S.Swanson, 'The Durban system...' in African Studies. (Wits, 1976)
32. Hyam, Elgin and Churchill, p.372 and f.
33. Selbourne Menorandum.
34. Hyam, Elgin and Churchill, p.372
35. J.S.Galbraith, Crown and charter. (Dorley, 1974) p.327
36. Hyam, Elgin and Churchill, p.257
37. Ibid. p.375

NOTES AND REFERENCES: CONCLUSION

1. Hyam, Elgin and Churchill, p.284.
2. Ibid., p.283
3. As well as the Asiatics, of whom the Natal colonists were most intolerant (see Brookes and Webb, Natal, Ch. XVIII).
4. Hyam, Elgin and Churchill, p.262.
5. Marks Rebellion, pp.xvii, 352.

Appendix IClauses 2 and 14 of the Poll Tax Act (No. 38 of 1905)

Source: Parliamentary Paper Cd 2905 Appendix II

2. Every male person of the age of eighteen years and upwards shall, save in hereinafter excepted, pay an annual Poll Tax of One Pound Sterling.

14. (1) Any native who is liable to pay Hut Tax under law No. 13 1875, in any year shall be exempt from the Poll Tax for that year.

(2) Natives working in the Colony, whose domicile is without the Colony, shall be exempt from the Poll Tax.

(3) Indians serving under indentures in pursuance of the laws relating to Indian immigration, shall be exempt from liability to the Poll Tax during such indentures.

(4) Any person who shall prove that he is unable through poverty to pay the tax shall be excused therefrom for the time being but the excuse shall not prevent a subsequent prosecution or action if such person shall afterwards become able to pay the tax and fails to do so.

(5) Any person who shall prove that he is merely passing through the country, or visiting it for a period not exceeding six months, shall be excluded from liability to the Poll Tax.

(clause 15)

Given at Government House, Natal, this 28th day of August, 1905.

By Command of his Excellency the Governor

Charles J. Smythe

Colonial Secretary.

Appendix IISummary of the powers of the Governor in the Responsible Government
Constitution of 1893.

5. It shall be lawful for Her Majesty and Her Successors, by and with the advice and consent of the Legislative Council and Legislative Assembly, as hereby constituted, to make all Laws required for the peace, order and good government of the Colony of Natal.

7. If at any time within two years after the Governor has assented to any Bill in Her Majesty's name, it shall be notified to him through one of Her Majesty's Principal Secretaries of State that Her Majesty in Council has been pleased to disallow the Act so assented to, the Governor shall forthwith signify such disallowance by Message to the Legislative Council and Legislative Assembly, or by Proclamation in the Government Gazette, and from and after the date of such Message or Proclamation, the said Act shall become null and void.

8. Within three months after the commencement of this Act, and thereafter from time to time as may be necessary, the Governor may designate such offices as he thinks fit, not being more than six in number, to be political offices for the purposes of this Act. Appointments to such offices shall be made by the Governor, in the name of Her Majesty, and such offices shall be held at Her Majesty's pleasure, and be liable to be vacated on political grounds.

The holders of such offices are in this Act styled Ministers, and a Minister shall not vacate his seat in the Legislative Council or Legislative Assembly by reason of his appointment to or retention of any such office.

11. The words "Governor in Council" in this Act, or any other Act or Law appearing, shall mean the Governor acting with the advice of the Executive Council.

13. (Governor to fix place and time of sessions. He may prorogue both Houses from time to time and may dissolve the Assembly when he thinks fit.)

14. The Legislative Council shall consist of eleven Members, who shall be summoned in the case of the first Council by the Governor, and thereafter from time to time by the Governor in Council in the name of Her Majesty by instruments under the Public Seal of the Colony.

20. (The Governor may appoint one Member to be President of the Council and may remove the President.)

43. The commissions of the present Judges of the Supreme Court, and Native High Court, and of all future Judges thereof shall be, continue and remain in full force during their good behaviour.

44. It shall be lawful, nevertheless, for Her Majesty to remove any such Judge, upon the Address of both Houses of the Legislature of the Colony.

46. All taxes, imports, rates, and duties, and all territorial, casual, and other revenues of the crown (including royalties) from whatever source arising within the Colony, over which the Legislature has power of appropriation, shall form one Consolidated Revenue Fund to be appropriated to the Public Service of the Colony in the manner and subject to the charges hereinafter mentioned.

50. It shall not be lawful for the Legislative Assembly to adopt or pass any vote, resolution, or Bill for the appropriation of any part of the Consolidated Revenue Fund, or of any rate, tax, duty or impost to any purpose which has not been first recommended to the said Assembly by Message of the Governor during the session in which such vote, resolution, or Bill is proposed.

51. No part of the Consolidated Revenue Fund shall be issued except in pursuance of warrants under the hand of the Governor directed to the Treasurer.

52. There shall be payable to Her Majesty, in every year out of the Consolidated Revenue Fund, sums not exceeding in the whole £21 700 sterling for defraying the expenses of services and purposes set forth in schedules A and B to this Act, and the said several sums shall be issued by the Treasurer in discharge of such warrants as shall be from time to time be directed to him under the hand of the Governor.

53. (Appointment to public offices to be by Governor in Council)

54. (Removal of Civil servants to be by Governor in Council)

Schedule A

Governor	£ 4000
Ministerial salaries	4200
Under Secretary for Native Affairs	600
For the promotion of the welfare and education of the Natives	10 000

(Schedule B stipulates salaries of the Colonial Secretary, Treasurer, Attorney-General, Secretary for Native Affairs and Colonial Engineer.)

Source: Parl. Pap., 1893-4 C 7013, pp. 42-48.

Appendix III

Extract from the Governor's Instructions Source: G.W. Eybers,
Select constitutional documents illustrating
South African history, 1795-1910. (London, 1918)

- I. (The term "Governor" shall include every person administering the Government of the Colony.)

- II. (The Governor may require any person in the public service to take the Oath of Allegiance)

- III. (The Governor shall communicate Our Instructions to the Executive Council.)

- IV. The Executive Council shall not proceed to the despatch of business unless duly summoned by authority of the Governor, nor unless two members at least (exclusive of himself or of the Member presiding) be present and assisting throughout the whole of the meetings at which any such business shall be despatched.

- V. (The Governor shall attend and preside at the meetings of the Executive Council, unless prevented by some necessary cause, and in his absence such Member as may be appointed by him in that behalf, or in the absence of such Member the senior Member of the Executive Council actually present shall preside.)

- VI. Before exercising the powers of Supreme Chief, other than those by Law vested in the Governor in Council, the Governor shall acquaint his ministers with the action which he proposes to take, and so far as may be possible shall arrange with them as to the course of action to be taken. The ultimate decision must, however, in every case rest with the Governor.

- VII. In the execution of all other powers and authorities vested in him the Governor shall be guided by the advice of the Executive Council,

but if in any case he shall see sufficient cause to dissent from the opinion of the said Council, he may act in the exercise of his said powers and authorities in opposition to the opinion of the Council, reporting the matter to Us without delay, with the reasons for his so acting.

In any such case it shall be competent to any Member of the said Council to require that there be recorded upon the Minutes of the Council the grounds of any advice or opinion that he may give upon the question.

VIII. The Governor shall not, except in the cases hereunder mentioned, assent in Our name to any Bill of any of the following classes:

1. Any Bill for the divorce of persons joined together in holy matrimony.
2. Any Bill whereby any grant of land or money, or other donation or gratuity, may be made to himself.
3. Any Bill affecting the currency of the Colony.
4. Any Bill imposing differential duties.
5. Any Bill the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty.
6. Any Bill interfering with the discipline or control of Our forces in the Colony by land or sea.
7. Any Bill of an extraordinary nature and importance, whereby Our prerogative, or the rights and property of Our subjects not residing in the Colony, or the trade and shipping of the United Kingdom and its dependencies may be prejudiced.
8. Any Bill whereby persons not of European birth or descent may be subjected or made liable to any disabilities or restrictions to which persons of European birth or descent are not also subjected or made liable.
9. Any Bill containing provisions to which Our assent has been once refused, or which have been disallowed by Us;

Unless he shall have previously obtained Our Instructions upon such Bill through one of Our Principal Secretaries of State, or unless such Bill shall contain a clause suspending the operation of such Bill untill the signification in the Colony of Our pleasure thereupon, or unless the Governor shall have satisfied himself that an urgent necessity exists requiring that such Bill be brought into immediate operation, in which case he is authorised to assent in Our name to such Bill, unless the same shall be repugnant to the law of England, or inconsistent with any obligations imposed upon Us by Treaty. But he is to transmit to Us by the earliest opportunity the Bill so assented to, together with his reasons for assenting thereto.

IX. Whenever any offender shall have been condemned to suffer death by the sentence of any Court, the Governor shall consult the Executive Council upon the case of such offender, submitting to the Council any report that may have been made by the Judge who tried the case; and whenever it appears advisable to do so, taking measures to invite the attendance of such Judge at the Council. The Governor shall not pardon or reprieve any such offender unless it shall appear to him expedient so to do, upon receiving the advice of the Executive Council thereon; but in all such cases he is to decide either to extend or to withhold a pardon or reprieve, according to his own deliberate judgement, whether the Members of the Executive Council concur therein or otherwise; entering nevertheless on the Minutes of the Executive Council, a Minute of his reasons at length in case he should decide any such question in opposition to the judgement of the majority of the Members thereof.

X. All commissions granted by the Governor to any persons to be Judges, Justices of the Peace, or other officers shall, unless otherwise provided by Law, be granted during pleasure only.

XI. (The Governor may not leave the Colony without having first received the permission of the Secretary of State.)

APPENDIX IVPowers reserved to the Governor as Supreme Chief

(Extract from the Code of Native Laws) Source: Parl.Pap., 1893-4
C 7013, pp.15-16.

The Supreme Chief

32. (The Supreme Chief exercises over all Natives in the Colony of Natal all political power and authority).
33. The Supreme Chief appoints all Chiefs to preside over one or more sections of tribes; and also may divide existing tribes into two or more parts, or amalgamate tribes or parts of tribes into one tribe, as necessity or the good government of the Natives, may in his opinion, require.
34. The Supreme Chief in Council may remove any Chief found guilty of any political offence, or for any incompetency or other just cause, from his position as such Chief, and may also order his removal with his family and property, to another part of the Colony.
35. The Supreme Chief has absolute power to call upon Chiefs, District Headmen, and all other Natives, to supply armed men or levies for the defence of the Colony, and for the suppression of disorder and rebellion within its borders, and may call upon such Chiefs, District Headmen, and all other Natives to personally render such military and other service.
36. (The Supreme Chief has power to call upon all Natives to supply labour for public works, or for the general needs of the Colony).
37. The Supreme Chief, acting in conjunction with the Natal Native Trust, may, when deemed expedient in the general public good, remove any tribe or tribes, or portion thereof, or any Native, from any part of the Colony or Location to any other part of the Colony or Location, upon such terms and conditions and arrangements as he may determine.
38. (The orders and directions of the Supreme Chief, or of the Supreme Chief in Council, may be carried into execution by the Minister of Native Affairs, or by the Administrators of Native Law, or by other officers authorised for the purpose.)
40. The Supreme Chief is not subject to the Supreme Court, or to any other court of law in the Colony of Natal for, or by reason of, any order or proclamation, or of any other act or matter whatsoever, committed, ordered, permitted, or done either personally or in Council.
41. The Supreme Chief is, by virtue of his office, Upper Guardian of all orphans and minors in law.
42. The Supreme Chief has power to regulate and fix from time to time the least number of houses which shall compose a kraal. (Exceptions permitted in special cases).

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