

Joseph Baynes: Race relations pioneer

by Duncan du Bois

Introduction

IN THE preface to his biography of Joseph Baynes, Reg Pearse expressed the view that Baynes is ‘one of the most neglected figures in South African history.’¹ As a young boy of eight, whose mother had died when he was two years of age, Joseph emigrated from Yorkshire to Natal in 1850 with his father and his brother William.² When his father re-married in 1868, he left the farm Nel’s Rust, which he had acquired in 1863, to Joseph.³ By purchasing surrounding farms in the district, in time Nel’s Rust became a 24 000 acre estate and the location of pioneering, innovative agriculture that involved the promoting of cattle dipping to combat East Coast Fever, modernising the dairy industry which saw the expansion, commercially, of the manufacture of butter

and cheese, as well as timber, sheep, poultry, and crops.⁴ On his death in 1925, he bequeathed his estate, known to us as Baynesfield, to the people of South Africa.

On the eve of his election to the Natal Legislative Council representing Ixopo and environs, the *Times of Natal* remarked: ‘The electors should not forget that Mr Joseph Baynes is their friend. He is one of themselves who understands the requirements of the district.’⁵ Although, like his fellow colonists, Joseph Baynes was a segregationist who opposed the extension of the franchise to what he termed ‘the coloured races’, unlike most of colonial Natal’s public representatives he was outspoken on behalf of the welfare of Indians and Africans. Labelled an



Joseph Baynes

‘eccentric’ by one historian,⁶ scrutiny of his political life as an employer of Indian and African labour suggests that his views on race relations matured and became more liberal over the period 1890 to 1910 and, as a result, in the latter part of that period were prescient and ahead of his time.

This article is an abridged version of my research on Joseph Baynes as published by the Baynesfield Estate Board of Administration in 2016. By tracking Baynes’ political career, it posited the view that he was a colonial humanitarian and a pioneer in the liberalisation of race relations.

Dealings with Indians

As an employer of indentured Indian labour on his Nel’s Rust estate, Baynes became a member of the Indian Immigration Trust Board (IITB) in November 1888.⁷ Following the statutory change in the structure of the IITB in 1895 when it became an employers’ agency, Baynes continued as a member of the Board whose membership was increased to seven. In 1902 he became

chairman but upon his elevation to the position of minister of lands and works in the Sutton ministry, he resigned from the IITB in December 1903.⁸

By 1904 Baynes was employing over 100 indentured Indians on Nel’s Rust.⁹ Basil Leverton contends that in Baynes’ dealings with them, he ‘evinced a balanced and mature view.’¹⁰ However, it appears that Baynes evolved towards the ‘maturity’ Leverton noted. At a meeting of the IITB in 1896, when South Coast sugar baron Frank Reynolds complained about the ‘evil’ of desertions by indentured labourers from sugar estates, particularly his own, and called for harsher punitive measures, Baynes was not reported to have disagreed or to have enquired as to why desertions occurred.¹¹ Likewise, within the colonial legislature to which he was first elected in 1890, he supported discriminatory measures aimed at Indians, particularly those concerning the franchise and dealers’ licences.

The liberalisation of his outlook occurred during his later years in public office. This was first evident in Baynes’ response to a motion calling for all railway portorage on the Durban and Pietermaritzburg railway platforms to be performed by white men. In his capacity as minister of lands and works, he defended the use of Indian porters:

We have a mixed population and we have duties to perform to every section of the population; whether we should be fulfilling our duty to every section of the population by precluding the Indian from occupation in such directions as these, is a matter that I am not quite clear about.¹²

Following his resignation from the Legislative Assembly and his appointment in March 1905 to the upper chamber, the Legislative Council, Baynes was

strident in his opposition to discriminatory legislation. In particular he resolutely opposed the Indian Immigrant Amendment Bill of 1905 which sought to prohibit contract-expired Indians – settlers – from lawful employment if they were in arrears in terms of the £3 tax levied on those who had been indentured since August 1895 but had not returned to India on completion of their contracts.¹³ In his view, it was ‘preposterous to discriminate on the above basis.’¹⁴

1906 proved the high point of Baynes’ political career in terms of the extent to which his reasoning, resolution and sense of humanity was ahead of his generation. This was evident from his vehement opposition to the Indian Marriage Bill and his showdown with the political establishment over the Game Laws Consolidation Bill which is discussed later. His fury at the Marriage Bill was directed at clause one which required the parties of a marriage to report the event to a magistrate or to the Protector of Indian Immigrants within one month. Failure to do so could incur a fine of £20 or imprisonment with or without hard labour for up to three months. The penalties could apply to either husband or wife.¹⁵

Describing the Bill as ‘tyrannical,’ Baynes asked why clause one did not apply to the marriage officer rather than those being married.

If such a law as the one proposed was brought imposing such a penalty upon Europeans, there would be a hubbub over it. I can hardly imagine any ministry daring to bring such a proposal in respect of Europeans ... The practice is growing of making legal crimes for the purpose of collecting revenue. I think that practice is one that ought to be greatly deprecated. This Bill should never have been introduced.¹⁶

In response, Prime Minister Charles Smythe claimed that the Bill was ‘in the interests of morality.’ Archibald Campbell of Durban dismissed Baynes’ remarks as ‘entirely out of place’ and insisted that the Bill was ‘to prevent crime.’ Former Prime Minister George Sutton accused Baynes of doing ‘great harm’ to the image of the Council by his claims. Marshall Campbell of Victoria County endorsed the Bill as ‘absolutely necessary’ because it would stop Indians selling their daughters.¹⁷

In July 1907, replying to the opening speech of the Governor, Baynes again demonstrated the extent to which he had developed liberal roots when he lectured his colleagues on race relations:

We should at least try to treat the Asiatic justly ... It is not a credit to our civilization much less to our Christianity, the manner in which certain people have so unjustly treated the Indian section of the population.¹⁸

In September 1907 Baynes took issue with Charles Willson of Klip River who claimed that the expenditure of £5 748 on Indian schools ‘would drive the Europeans out of the country.’ Incensed, Baynes made short work of Willson’s prejudice by asking him how the expense of almost £100 000 on white schools ‘would unfit us to meet the Indian in the competition he is setting up.’¹⁹ During the remainder of his time in the Council Baynes continued to agitate for the repeal of the £3 tax on Indians describing it as ‘a severe addition to the taxes Indians have to pay’ which caused ‘no end of distress.’ As the colonial era drew to a close he expressed the hope that the incoming Union government would remove it.²⁰ In contrast, his Council colleagues were more concerned about the future supply

of indentured labour despite the recommendation of the Clayton Commission that indenture should cease.

The last batch of indentured labourers arrived in July 1911. But for Indians as settlers, the concerns Baynes had registered failed to find traction in white politics. Discrimination continued into the Union era and beyond where it became institutionalised.

Dealings with Africans

The colonial mindset which prevailed as regards indigenous Africans was 40 years in the making when Baynes commenced his political career in 1890. As Uma Dhupelia has expressed it, ‘the story of the relationship between Africans and white colonists and the issue of “solving” the “Native Question” dominates the history of Natal during the colonial period.’²¹ The observation of Governor John Scott in 1858 applied almost without exception to the Legislative Councils of the colonial period:

They have no expressed desire to elevate and improve the social position of the native by making him a landed proprietor, an independent cultivator of the soil, a civilized trader and producer of exportable articles or a mechanic or a skilled labourer.²²

Whereas Baynes went along with legislation discriminatory towards Indians during the first half of his twenty-year parliamentary career, he hewed to a liberal line almost from the outset where the interests of Africans were concerned. The first indication of that was in a speech he gave in the Council in June 1891:

There is always a question as to whether it was advisable that Native locations should have been created at all, and whether it is in the interests of the Natives themselves that they should be put in locations.²³

In 1893, in moving a motion to extend fencing regulations to include the African locations, which, unfortunately, was defeated by 16 votes to 11, Baynes again expressed his objection to the location system. ‘I believe the day will come when we will have a great cause to regret the existence of those locations.’ In criticising the Fencing Bill for excluding the locations, he remarked: ‘I cannot imagine anything more likely to bring about friction between European and Native inhabitants.’²⁴

Nonetheless, Baynes was unstinting in defending African traditional rights and practices. The issue of African beer-drinking is a case in point. Few colonists appreciated the social role of beer in homestead society. Most saw it as leading to potentially threatening circumstances. In 1892, for instance, the Magistrates Commission advised that beer-drinking should be licensed and supervised by the police.²⁵ What irked Baynes was the fact that *utshwala* was listed as an ‘intoxicating liquor.’ In his view, without a proper definition of the term, it amounted to unfair discrimination to describe African fermented beer as ‘intoxicating.’²⁶ In 1896 he expressed opposition to the Liquor Laws Consolidation Bill which criminalised African women selling traditional beer.²⁷ The passage of what became Act 27 of 1905 constituted a high point in the marginalising of African interests. The Act declared the making, possession and consumption of African fermented beer unlawful. Baynes expressed outrage at what he declared was a blatant ‘class bill,’ meaning it was aimed only at non-Europeans.²⁸

Voice of the voiceless

Speaking up for those who were not represented in parliament was a role

Baynes carried out without fear or favour. At the time of the great locust plague when Africans were called upon to assist in the eradication of locusts, Baynes asked why no 'scourges or beaters' were supplied to the Africans to perform the task. 'To require Natives to turn out and destroy these locusts without providing them with the means [to do so] is very much like asking a man to plough a field without providing him with a plough.' Baynes' request was met with derision and censure.²⁹

The debates on the colonial budgets for 1897, 1898 and 1899 saw Baynes as the lone voice in initiating questions regarding the funding of education for Africans. Although he had no quibble with segregated schools, his concerns focused on the niggardly sums allocated to African education. In 1898, for example, just £1 000 was earmarked for African schools.

I do not think that this is in proportion to what the Native is entitled and I am surprised the Secretary for Native Affairs has not made a demand for a larger sum ... I wish to be reasonable in this matter because they are not able to speak for themselves ... I do not think they should be ignored.³⁰

In 1899 he slated what he termed 'the effort to deprive coloured children from receiving benefit from the revenue in the matter of education.' He branded the allocation of just £2 000 to African education in the budget of 1899/1900 as a 'very great mistake' considering that the African financial contribution to the colonial treasury by way of taxes was £176 000.³¹

On a routine matter such as expenses incurred by witnesses at trials, Baynes asked that the sum of sixpence per day paid to Indian and African witnesses be increased to one shilling per day.

In contrast, European witnesses were awarded fifteen shillings per day.³² That same concern for the welfare of those without a political voice manifested itself in the debate on the 1899/1900 Supply Bill which amounted to £3 million. He asked his colleagues to 'give consideration to the ridiculously small amount the Natives received'—just £10 000. 'If Honourable Members would only consider these matters more they would see what dangerous ground they are treading and to what dangerous lengths we are going.'³³

Between 1894 and 1903 some 46 Acts of legislation were passed by the Natal Parliament which, in various ways, impinged upon Africans.³⁴ Wary of the spate of laws affecting Africans, Baynes' caustic remarks on the proposed Native Labour Bill were appropriate. The Bill required Africans to register at a magistrate's office before they could seek or accept work, thus burdening Africans with the need to bear another piece of paper to prove compliance with bureaucracy.³⁵

It appears to me that if this measure is to become law, a Native will hardly dare put his face outside the door of his hut without a pass for this, that and the other thing.

In similar vein, Baynes urged the Government to provide Africans with locked receptacles to carry all their passes. The Bill was subsequently shelved after it was pointed out that, if anything, it would discourage Africans from seeking work.

The *Mercury* interview

In terms of the focus of this research, Joseph Baynes did not receive much prominent press coverage. The interview published in the *Natal Mercury* on 13 May 1899, therefore, affords

particular insight as to his thinking. Headed ‘Mr Baynes, The Native Question – representation without franchise’, as a published account it served to collate and to project Baynes’ thoughts on what should have been the future focus of colonial politics had the Anglo-Boer War not relegated it to the back burner. The standout aspect of the interview was Baynes’ candid appraisal of the position of Africans in Natal and his call for adequate representation of them in the Legislative Assembly.

The Native is growing up to find that the principle of equality is a fiction ... He is not regarded or received on equality with the European population; he finds himself under no end of disabilities and this is calculated in time to bring about an intensely bitter feeling on his part ... Now is the time for action. Adequate representation without the franchise can be accorded the coloured population ... give [them] a feeling that they have some voice in their destiny so that they may feel justice is not denied them.

Such thinking was novel and revolutionary amongst elected representatives. Not even Natal’s first Prime Minister, John Robinson, who had a reputation for being fair,³⁶ came anywhere near advocating such thoughts in his comprehensive review of Natal published in 1900.³⁷ In the interview Baynes also red-flagged the tribal system stating that its ‘influence is being undermined and is decreasing.’ He then dropped a political clanger: ‘I hold that the Imperial policy in setting large Native locations is not only absolutely wrong but positively dangerous.’ Unfortunately Baynes’ views went unremarked in the wake of the Milner-Kruger conference in Bloemfontein and the threatening shadows of war.

A rare victory

In September 1903 deliberations on the Municipal Native Locations Bill resulted in a fruitful outcome for Baynes’ liberal approach. The crux of the proposed legislation hinged on Law 28 of 1865 which made provision for ‘relieving certain persons from the operation of Native Law.’ The debate focused on how those Africans who had earned exemption should be treated. At issue was whether those Africans who were living in a town should be relocated to live in the neighbouring African location. Baynes, who was minister of lands and works at the time, reminded his colleagues that they were determining choices for those who had no political voice. He also expressed scepticism at the powers given to health officers in towns being entrusted to determine the location of exempted Africans.³⁸

With the support of his fellow minister, Thomas Watt, the minister of justice, Baynes was able to achieve a rare victory: section 3 of Act 2 of 1904 stated ‘this Act shall in no case apply to Natives...who are exempted from the operation of Native Law.’³⁹

Legislative Council years 1905–1910

Between August 1903 and June 1904 Baynes served as minister of lands and works in the Sutton ministry. But as a result of an irregularity in a tender contract for which he took full responsibility, he resigned as a minister. On 26 July 1904 he also resigned from the Legislative Assembly. Described by North Coast sugar baron Marshall Campbell as ‘one of the most useful members of Parliament’, Baynes accepted nomination to the Legislative Council (the upper house of Natal’s bicameral legislature comprising eleven

appointed members) and was inducted on 30 March 1905.⁴⁰

True to form, Baynes lost no time in telling his new colleagues where their focus should be.

I hold that no adequate attention is given to the coloured question by legislators ... the coloured question is by far and away the most serious question we have to deal with ... The coloured population represents nine-tenths or even more of the entire white population ... The only move that has been made in respect of the coloured population is in the direction of imposing more severe taxation upon them to force them to work.⁴¹

To applause from Marshall Campbell Baynes proposed that 'a certain number of members of both Houses' should be nominated to represent the African population. But apart from Campbell, the rest of the Council rejected Baynes' thinking. William Hutchinson of Alfred County retorted that 'an autocratic form of government [was] the only one by which one can rule the black man.' Robert Jameson of Durban County scoffed at Baynes' views on taxation and demanded that hut tax be doubled.⁴²

A few months later, the same Council endorsed Baynes' views on a related matter. In July 1905 a Bill came before the Council aimed at compelling absentee landlords to contribute more towards the colonial revenue. The Natal Farmers Conference had initiated the idea as a means of applying pressure on squatters who proved a menace to neighbouring farmers in terms of stock theft. In attacking the proposal, Baynes also floated an eminently sensible alternative means of raising revenue, given that Natal's economy was plunged into a recession following the end of the Anglo-Boer War.

I regret exceedingly to note the character of the taxing Bills ... levied against one section of the population ... The Native has had little or nothing to do with conditions that have brought about the need for additional taxation ... I am ashamed that the Government can initiate such measures ... Personally, I would approve of a land tax. But there must be no exceptions, Every acre of the country must be taxed according to its value.

Baynes' rhetoric and reasoning earned the support of the majority of the Council and as a result the Bill was rejected.⁴³ However, such support evaporated in the face of a subsequent Bill aimed at curbing squatting on Crown land by applying a hut tax of 10 shillings per annum. Baynes opposed it on the grounds that it was class legislation, meaning it discriminated specifically against Africans. 'So much legislation is passed upon the Native that what I greatly fear, indeed I feel sure will happen, is that it will bring about bitterness of feeling.'⁴⁴

His concern for the extent to which Africans were not only being subjected to increased taxation but to marginalisation in terms of access to land needs to be seen in context. In 1891, the total land area cultivated by white farmers was 85 000 acres. By 1908/09, that had increased to 541 000 acres. Commercial incentives resulting from growth in the wattle and dairy industry saw farmers evicting African squatters.⁴⁵ Pressures on African land occupation which had been a factor since Shepstone set up the location system⁴⁶ grew with the increase in population and the demands for rent in cash rather than in crops.⁴⁷

Baynes' humanitarian concern saw him levelling criticism in a novel direction: he reproached Christianity for its passivity.⁴⁸

I regret very much that the Church as a whole seems to have taken very little interest in these legislative proposals. [I call on] the Church to raise its voice against such injustice ... We are inflicting tax after tax upon the Native. I foresee grave results that will probably follow.

Unlike modern times, no organisational structures such as Diakonia or the SA Catholic Bishops Conference existed to act as custodians of humanitarianism. By appealing to Christian churches to take a stand against legislation that was exploitative of the voiceless majority, Baynes was ahead of his time.

The poll tax

Whereas the imposition of the poll tax was seen by all the leading lights of Natal's legislature including the *Natal Witness*⁴⁹ as a necessary measure to address the Colony's £450 000 debt, Baynes was virtually alone in opposing it. On 27 July 1905, Thomas Watt, the minister of justice, introduced the Natives Personal Tax Bill with the words: 'The natives of the Colony do not bear their fair share of the cost of administering the Government under which they live.' In terms of the Bill, it was proposed to impose a direct tax of £1 on every African male over the age of 18 and an additional £1 for every additional wife.⁵⁰

Seething with anger, Baynes denounced the Bill as 'robbery from one class of the population.'

How [has] the Native been concerned of which it is now proposed he shall be heavily taxed? The Native pays every tax the European pays, hut tax in addition; while on the goods imported especially for him, he pays Customs duty of 25% as against 7½% charged on goods for Europeans ... In

very many ways, the European is living upon the Native in a manner that comes very hard upon the Native.⁵¹

In further illustration of his point, Baynes pointed out that the third class carriages used by Africans produced the most profit for the Natal Government Railways. Underlining the severity of the poll tax, Baynes pointed out that for many farm workers it would amount to two months of their wages which were mostly only ten shillings per month. 'This Bill I regard as the most iniquitous [and] cowardly. I oppose it *in toto*.'⁵² But Thomas Watt insisted that 'the Government is convinced that this tax will not have any unjust effect upon the Natives.' Baynes disagreed bitterly and accused the Smythe ministry of 'piling up impositions' on the Africans and exploiting 'complaisance on the part of the Natives [as] justification for still more taxation.'⁵³

Excoriating the churches, he said: 'I hold that the Church as a whole has remained absolutely silent.' In his final remarks before the Council endorsed the poll tax Baynes warned, presciently, as things turned out: 'I fear we are possibly taking a very serious and misguided step if we persist in imposing taxation upon those who are least able to bear it.'⁵⁴

Unrest

Collection of poll tax began in January 1906. Resentment of it coincided with confrontation. Early in February two white police officers were stabbed to death in Baynes' Richmond district during a confrontation with an armed *impi*. Fearing further violence, women and children in the Richmond, Ixopo, Highflats, St Faiths and Bulwer area were quartered in buildings encircled with barbed wire and trenches.⁵⁵ The

response of the colonial militia was high-handed. Under Colonel Duncan McKenzie's Field Force, kraals were burnt and cattle confiscated on the grounds that the owners may have been involved in the killing of the police officers near Richmond. At Umzinto McKenzie imposed fines and floggings on 38 Africans. In Richmond, on 2 April, twelve Africans were executed for their alleged part in the killing of the two white policemen.⁵⁶

Worse followed: Bambatha, a minor chief in the Umvoti district who had a history of resentment towards his white neighbours, refused to pay his poll tax. When a police detachment was sent to confront him he resisted and sought refuge in the Nkandla forest along with 600 of his supporters. Colonial forces, assisted by a battery of six Maxim guns, massacred Bambatha and his men in the Mome Gorge. The killing did not stop there. Government forces rampaged through the Maphumulo district burning more than 7 000 huts, leaving 30 000 homeless. In all an estimated 3 500 Africans lost their lives during this period of unrest.⁵⁷

When Governor McCallum opened the new session of the Legislature the thrust of his message was on the 'suppression of the disturbance.' Baynes' appeal for answers to 'questions affecting the Natives' was ignored.⁵⁸ But the Report of the Commission of Inquiry into the unrest, presented in 1907, confirmed much of his criticism and concern at the way Africans were treated while at the same time reproaching the system of African administration.⁵⁹

Game Laws Consolidation Bill

In terms of his profile as a race relations pioneer, Baynes' opposition to and campaign against the Game Laws

Consolidation Bill in 1906 was without parallel. Ostensibly the aim of the Bill was the conservation of fauna. Baynes saw it quite differently. 'I wish to protect the Native from the manifold rigours of the Game Law,' he declared. In his view, the Bill served only 'the few who for their own individual gratification wish to preserve game for the sake of sport.'⁶⁰

The clauses he highlighted as particularly objectionable were: clause 4 – fine or imprisonment for being in possession of traps, gins or snares; clause 6 – requiring a permit to hunt; clause 8 – guilty until proven innocent if found in a Reserve unlawfully in pursuit of game; clause 17 – the prohibition of the employment of Natives to hunt game; clause 22 – financial reward for informers where a conviction was obtained.⁶¹

Describing the Bill as 'iniquitous,' Baynes claimed that it would 'incriminate eleven-twelfths of the population' because of the close cultural relationship Africans had with wild life. He also regarded the offer of a reward to informers (clause 22) as constituting a bribe.⁶² His objections were treated with contempt. Former Prime Minister George Sutton was particularly irritated: 'I object very strongly to having the subject of our neglect or injury of Native interests trotted out on all occasions whether justly or not.'⁶³ Following the Council's approval of the Bill, Baynes embarked on what became a series of exchanges of correspondence with Governor McCallum in an attempt to have the legislation amended. When that proved fruitless he wrote directly to the Secretary of State for Colonies, Lord Elgin. At the same time he had a sharp exchange of words with the Secretary for Native Affairs (SNA), Henry Daniel Winter. To top it all he had the entire series of correspondence published in

the form of a pamphlet in October 1906 much of which featured in the *Natal Witness* and the *Natal Advertiser*:

‘Mr Baynes’ indictment’

Although space does not allow for a blow by blow account of that exchange of correspondence, a few of Baynes’ trenchant comments serve to illustrate his outrage and concern. For instance he questioned how the law would distinguish between a trap intended for vermin and one intended to catch a listed bird or animal; he questioned how a distinction would be made concerning possession of a listed animal outside the designated season and ownership of a pet duiker. He reduced clause 16 to absurdity. It required legal proof as to the possession of a skin, hide, horn or tusk, failing which it could be forfeited. Remarking on the traditional dress of Africans, Baynes wrote: ‘Any Native throughout Natal and Zululand dressed in Native costume may be dispossessed of his or her clothing and ornaments.’⁶⁴ In his introductory letter to Lord Elgin, he stated, *inter alia*, ‘Our statute books already overflow with enactments bearing in their administration harshness, irritation, and in instances, cruel injustice upon the Native and Indian subjects of His Majesty’.⁶⁵

Almost three months went by without Baynes receiving a response from Lord Elgin. What he did not know was that Governor McCallum had forwarded a covering letter to Lord Elgin in which he accused Baynes of playing ‘the role of a flamboyant negrophile orator [who lost] no opportunity of dilating on Native grievances – real and imaginary.’⁶⁶ In the interim, Baynes crossed swords with H.D. Winter, the Secretary of Native Affairs. He accused him of ‘failing to grasp the magnitude and the serious-

ness’ of the problem at hand and that he found it ‘utterly hopeless ... to expect from [Winter] any proper appreciation of the question.’⁶⁷

On 15 November 1906 the *Natal Witness* and the *Natal Advertiser* published lengthy excerpts from Baynes’ pamphlet. The following day in an editorial headed ‘Mr Baynes’ Indictment’ the *Witness* reflected favourably on Baynes’ efforts to expose the shortcomings of the Game Laws Bill. Concurring with Baynes’ view that Africans did not enjoy the same treatment as whites in the courts, the *Witness* stated that the African was as hapless before ‘the intricacies and subtleties of English law as a partridge or a pheasant at the onset of shooting season.’ Baynes also received praise from Gandhi’s *Indian Opinion* which applauded him for holding ‘up to derision the whole administration of the laws of this Colony as applied to the coloured population.’⁶⁸

Politically Baynes had taken on the Establishment and exposed its shortcomings while simultaneously confirming his consistency as the voice of the voiceless.

Conclusion

The remainder of his term in office saw Baynes speak out fearlessly against legislation which marginalised Africans. One instance, in particular, was the Mines Amendment Act of 1907 which appropriated to the Government any minerals which existed under the ground in African reserves.⁶⁹ Thus, it violated the Charter of the Natal Native Trust established in 1864 which specified that those lands were for the well-being of the Natives.⁷⁰ As such, Africans stood to be deprived of the benefit of minerals found in their locations.

I could not have believed it possible that a civilized Government without any pretence to acting honourably and justly could introduce a Bill expropriating or appropriating a right the Native has now in land ... I must oppose [this Bill] to the utmost of my power.⁷¹

Reg Pearse has noted that in dealing with labour issues on Nel's Rust, Baynes applied rehabilitative rather than retributive measures.⁷² As a report in the *Natal Witness* noted in 1904, 'Nel's Rust does not know what it is to have labour troubles with its employees.'⁷³ At Christmas time, Baynes gave his staff a party on the lawns of the main residence with gifts for all along with beer and plenty of meat.⁷⁴ In contrast with Baynes' treatment of his African labour was that of Charles Smythe of Lions River. He thrashed trespassers and fined Africans whose stock strayed on his land. He insisted that tenants who wanted to remain on his land would not be allowed to cut firewood and required younger men to obtain his permission to seek employment elsewhere. He also accepted no responsibility for any damage his cattle might cause to the crops of Africans on his lands.⁷⁵

Joseph Baynes' philosophy of compassion and understanding towards Africans set him apart from his contemporaries. As such, he was ahead of his time and a pioneer in the liberalisation of race relations. Although his extensive farming operation would not have allowed him the time, with his understanding of African affairs and his rapport with them it might be said that he was the best Secretary for Native Affairs Natal ever had.

NOTES

- 1 Pearse, R., *Joseph Baynes – Pioneer* (Baynesfield Estate Board of Administration, 1983).
- 2 *Ibid.* pp. 5; 8.

- 3 *Ibid.* pp. 28; 33.
- 4 *The Natal Witness*, series on Nel's Rust, 4, 5, 6, 7 October 1904.
- 5 *The Times of Natal*, 6 October 1890, editorial.
- 6 Lambert, J. in Colin Webb, *Natal and Zululand Series No 2*, 'Letters addressed to his Excellency the Governor of Natal and His Majesty's Secretary of State for Colonies' (University of Natal Press, 1992), p. vii.
- 7 *Government Notice*, No. 537, 1888. Established in 1874, the task of the IITB was to undertake 'the receipt, disbursement and administration of all moneys for purposes of Indian immigration' (*Natal Government Gazette*, Vol. XXVI, No. 1453). In 1880 the structure of the IITB was expanded to include two non-government members (*Government Notice*, No. 301, 1880).
- 8 Pietermaritzburg Archives Repository (PAR), Indian Immigration, (II), 1/123, No. 25484, 8 December 1903.
- 9 *The Natal Witness*, 4 October 1904, report.
- 10 Leverton, B.J.T., 'Joseph Baynes: A thematic study of his achievements' (Unpublished manuscript, Baynesfield Estate Board of Administration, 1978), p. 157.
- 11 *The Natal Mercury*, 15 June 1896, report.
- 12 *Debates of the Legislative Assembly*, Vol. 36, 1904, pp. 348; 351.
- 13 *Debates of the Legislative Council*, Vol. 14, 1905, pp. 24; 88. In 1895 Baynes had voted for Act 17 which introduced the £3 tax.
- 14 *Ibid.* p. 88.
- 15 *Natal Government Gazette*, No. 3539, 22 May 1906.
- 16 *Debates of the Legislative Council*, Vol. 15, 1906, pp. 25–6.
- 17 *Ibid.* pp. 26–7; 29; 41.
- 18 *Debates of the Legislative Council*, Vol. 17, 1907, p. 10.
- 19 *Ibid.* p. 97. The total Education Budget was £112 966 of which £99 618 was for white schools, £7 600 for Africans and £5 748 for Indians.
- 20 *Debates of the Legislative Council*, Vol. 20, 1909/10, pp. 115; 169.
- 21 Dhupelia, U.S., 'Frederick Robert Moor and Native Affairs in the Colony of Natal 1893–1903' (MA thesis, University of Durban-Westville, 1980) p. 1.
- 22 Lambert, J. *Betrayed Trust: Africans and the State in Colonial Natal* (Pietermaritzburg, University of Natal Press, 1995) pp. 63–4.
- 23 *Debates of the Legislative Council*, Vol. 16, 1891, p. 141.
- 24 *Debates of the Legislative Council*, Vol. 20, 1893, pp. 190–93.
- 25 Lambert, *Betrayed Trust*, p. 128.

- 26 *Debates of the Legislative Council*, Vol. 16, 1891, pp. 15; 247.
- 27 *Debates of the Legislative Assembly*, Vol. 24, 1896, p. 282.
- 28 *Debates of the Legislative Council*, Vol. 14, 1905, p. 100.
- 29 *Debates of the Legislative Assembly*, Vol. 24, 1896, p. 326.
- 30 *Debates of the Legislative Assembly*, Vol. 27, 1898, pp. 173; 175.
- 31 *Debates of the Legislative Assembly*, Vol. 28, 1899, pp. 155–6.
- 32 *Debates of the Legislative Assembly*, Vol. 27, 1898, p. 53.
- 33 *Debates of the Legislative Assembly*, Vol. 28, 1899, p. 194.
- 34 Dhupelia, 'FR Moor', p. 224–8.
- 35 *Debates of the Legislative Assembly*, Vol. 27, 1898, p. 666; Dhupelia, 'FR Moor', p. 140.
- 36 Lambert, *Betrayed Trust*, p. 66.
- 37 Robinson, J., *A Lifetime in South Africa; Being the Recollections of the First Premier of Natal* (London, Smith, Elder & Co., 1900). Robinson referred to the African as being 'but one remove from savagery', p. 324.
- 38 *Debates of the Legislative Assembly*, Vol. 35, 1903, pp. 447; 450–1. By 1903 some 1 591 exemptions had been granted to Africans in terms of Law 28 of 1865.
- 39 *Natal Government Gazette*, No. 3387, 22 March 1904.
- 40 *Debates of the Legislative Council*, Vol. 14, 1905, p. 15.
- 41 *Ibid.* p. 8.
- 42 *Ibid.* pp. 8–12.
- 43 *Ibid.* pp. 190–3.
- 44 *Ibid.* p. 206.
- 45 Bundy C., *The Rise and Fall of the South African Peasantry* (Cape Town: David Philip, 1988) pp. 183; 185.
- 46 By 1877, although the African population was estimated at 290 000 only two million acres were reserved for them. Four million acres were designated Crown land and left unoccupied. White colonists, whose numbers barely exceeded 22 000, were allocated six million acres. As early as 1851 Shepstone estimated that two thirds of the African population lived outside the allocated reserves, meaning that they lived on private or Crown land. See: Guy, J., *Theophilus Shepstone and the Forging of Natal* (Scottsville, University of KwaZulu-Natal Press, 2013) pp. 463–4.
- 47 Bundy, *The Rise and Fall of the South African Peasantry*, p. 189.
- 48 *Debates of the Legislative Council*, Vol. 14, 1905, p. 207.
- 49 *The Natal Witness*, 5 August 1905, editorial.
- 50 *Debates of the Legislative Council*, Vol. 14, 1905, pp. 181–2.
- 51 *Ibid.* pp. 197–8.
- 52 *Ibid.* p. 198.
- 53 *Ibid.* p. 242.
- 54 *Ibid.* pp. 241; 250.
- 55 Guy, J., *Remembering the Rebellion: The Zulu Uprising of 1906* (Scottsville, University of KwaZulu-Natal Press, 2006) p. 50.
- 56 *Ibid.* pp. 41–4; 55.
- 57 *Ibid.* p. 170; Lambert, J. 'From independence to rebellion: African society in crisis 1880–1910', in Duminy, A. and B. Guest (eds), *Natal and Zululand – From Earliest Times to 1910*, (Pietermaritzburg, University of Natal Press, 1989) pp. 391–4.
- 58 *Debates of the Legislative Council*, Vol. 15, 1906, pp. 2; 21.
- 59 Lambert, *Natal and Zululand Series No. 2*, p. xv.
- 60 *Debates of the Legislative Council*, Vol. 15, 1906, pp. 65; 67.
- 61 *Natal Government Gazette*, No. 3542, 5 June 1906. Given the fact that in 1906 one of the hotels in Port Shepstone advertised 'good shooting in the immediate neighbourhood,' (*The Natal Mercury*, 6 January 1906), clause 6 was risible.
- 62 *Debates of the Legislative Council*, Vol. 15, 1906, pp. 67; 123.
- 63 *Ibid.* p. 66.
- 64 Lambert, *Natal and Zululand Series No. 2*, pp. 4–9.
- 65 *Ibid.* pp. 12–14.
- 66 *Ibid.* p. xiii, citing GH 1234, No. 186, 1 August 1906.
- 67 Lambert, *Natal and Zululand Series No. 2*, p. 25. John Lambert has noted that as a farmer, H.D. Winter had 'no sympathy for African aspiration.' See: Lambert, J. 'The impoverishment of the Natal peasantry', in Guest, B. and J.M. Sellers (eds), *Enterprise and Exploitation in a Victorian Colony* (Pietermaritzburg, University of Natal Press, 1985) p. 295.
- 68 *Indian Opinion*, 24 November 1906, editorial.
- 69 *Natal Government Gazette*, No. 3635, 1 October 1907.
- 70 Guy, *Theophilus Shepstone*, p. 297.
- 71 *Debates of the Legislative Council*, Vol. 17, 1907, pp. 154–5.
- 72 Pearse, *Joseph Baynes*, p. 240.
- 73 *The Natal Witness*, 4 October 1904, report.
- 74 Pearse, *Joseph Baynes*, p. 241.
- 75 Lambert, *Betrayed Trust*, pp. 92; 97.