Archives Year Book for South African History

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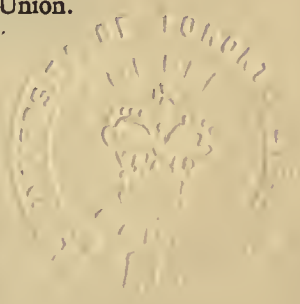

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THE RISE OF SOUTH AFRICA

A HISTORY OF THE ORIGIN OF SOUTH AFRICAN COLONISATION AND OF ITS DEVELOPMENT TOWARDS THE EAST

FROM THE EARLIEST TIMES TO 1857

BY

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IN SIX VOLUMES

Vol. VI

CHAPTERS ONE TO SIX

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THE ARCHIVES OF THE UNION OF SOUTH AFRICA

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1940

FOREWORD.

The Editors of the Archives Year Book have great pleasure in publishing this, the completed portion of the final volume of Sir George Cory's eminent work, "The Rise of South Africa," interrupted by his illness and death on 28th April, 1935.

It was at first Sir George's intention to conclude his history, in four volumes, with the year 1846; but he subsequently extended his work to cover the year 1857 and expanded the text to six volumes.

The present volume was to have contained about twelve chapters, the first six dealing mainly with Sir George Grey's administration, and including the establishment of the independent Republics in the North and the early history of the Church of England. Sir George was engaged in collating his material for the seventh chapter of this work when failing health overtook him and he was prevented from completing his beloved task. The seventh chapter was to have dealt with the early history of railway development in South Africa.

It is perhaps fitting that a brief biographical note on Sir George Cory, one of the most notable research-workers to have consulted the Cape Archives, should be included in this foreword.

George Edward Cory, son of George Norton Cory of London, was born on 3rd June, 1862, in London. He received his education at St. John's College, Hurstpierpoint, and King's College, Cambridge, where he graduated B.A. tripos in Natural Sciences in 1888.

The degree of Master of Arts was conferred on him *ad eundum gradum* by the Universities of Cambridge, Durham and South Africa. In 1921 the Honorary Degree of Doctor of Literature was conferred on him by the University of South Africa in recognition of his historical researches, and the following year Sir George Cory was knighted, in recognition of his labours in connection with the 1820 Settlers' Centenary.

Sir George came to South Africa in 1891 to take up the position of Vice-Principal at the Grahamstown Public School. Three years later he was appointed Lecturer in Chemistry at St. Andrew's College, Grahamstown, and in 1904, on the founding of Rhodes University College, he became the first Professor of Chemistry at that institution.

Soon after his arrival in South Africa, Sir George began to interest himself in the local history of Grahamstown, and of the Eastern Province in general. The romantic story of the 1820 settlers appealed to his imagination, and he made it his business, by personal interviews

of which he made careful notes, to obtain a unique collection of personal reminiscences of the earlier generation. His ability to set out in an attractive and condensed form this valuable information, led to the commencement of the ambitious undertaking which was to become his life-work. His deepest interest and joy, from that time, became the writing of his voluminous and eminently readable "Rise of South Africa," Volume I of which was published by Messrs. Longmans in 1910.

After the publication of this first volume, and in order to facilitate his labours, the Rt. Hon. F. S. Malan, Acting Prime Minister for the Union, enabled Sir George to devote the entire year, 1919, to researches in the Archives at Cape Town, and from 1925 onwards Sir George was the recipient of an honorarium from the Union Government, which enabled him to devote his time to research. He became Emeritus Professor of Chemistry at Rhodes University College, Grahamstown, and from that year made Cape Town his headquarters. Thereafter, until his death ten years later, he spent every available minute among the documents at the Cape Archives, from which few distractions could tempt him.

The Synopsis of the contents of each chapter and the detailed index to the volume have been prepared by Miss M. K. Jeffreys, M.A., of the Archives Department, Cape Town.

THE EDITORS.
ARCHIVES YEAR BOOK.

January, 1940.

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CHAPTER I.

SIR GEORGE GREY'S POLICY TOWARDS ADJACENT NATIVE TERRITORIES AND INDEPENDENT REPUBLICS; AND THE CATTLE-KILLING DELUSION.

Of all the Governors who have ruled over Cape Colony there, undoubtedly, has not been one who has left, besides his name, such permanent memorials of his residence in this country as Sir George Grey. These memorials have not been, as in the cases of some other Governors, merely their names given to streets and districts after their departure, but, founded by himself, living institutions for which there was pressing need and which have done much in promoting the higher and cultural development of the country. They are the Grey College in Bloemfontein, the Grey Institute (boys' school) Port Elizabeth, the Grey Hospital in Kingwilliamstown (founded for the purpose of undermining the influence of the Kaffir witchdoctor) and the wonderful and priceless collection of manuscripts and books which he gave to the Public Library in Cape Town and which form what is now known as the Grey Library. Unsupported by the prestige and influence of great family connections, but schooled almost from his earliest years amid difficulties and dangers, he rose, regardless of the frowns of superiors in office when he knew he was doing his duty, by merit alone to that pre-eminence which, though unofficially, gave him the title of the Great Pro-Consul.

Sir George Grey was born on April 14th, 1812, near the field of battle during the Peninsular War. His father was killed while leading his men at the attack of Badajoz. When old enough the boy, intended, though not destined, for a military career, was entered at Sandhurst, where he gained distinction in the usual course. He was gazetted Ensign in the 83rd foot, and then for four years was stationed in Dublin. From these earliest years his greatest ambition was to travel and explore unknown regions. Fortunately for him there was, at this time, a call for such enterprise. The north-western coast of Australia was practically unknown. It was rumoured that there were great rivers which gave access to the interior of the country. The discovery of these was a problem of great scientific and commercial importance which interested others than members of the Royal Geographical Society. In fact the British Government itself approved of the venture and offered liberal support for its execution. In 1836 Captain George Grey, as he then was, presented himself before the proper authorities and offered to undertake this work. His offer was accepted. Hence, on February 6th, 1837, having obtained two years' leave from the Horse Guards, he, with a small party, left Plymouth on July 5th in H.M.S. *Beagle* and reached Cape Town on

the following September 22nd. The journey was continued in a smaller vessel, and Hanover Bay was reached on December 3rd, 1837. The party having been landed, the small ship sailed away to other parts and left the intrepid explorers to fight their way through the unknown country as best they could. Their troubles and terrible sufferings soon began. A storm deprived them of most of their provisions, the heat was great and water scarce, and withal the natives were unfriendly and attacked them. Captain Grey received a spear wound in the thigh which incapacitated him for a fortnight. The travellers made their way south, towards Perth. After a time starvation, thirst and exhaustion began to do their worst. Some could proceed no further and laid themselves down to die, Captain Grey suffering equally with the others, but with the pluck and determination so characteristic of him, pushed on by himself, reached Perth and sent back help to the others; one was found to be dead.

The Governor of Western Australia seems to have been so impressed with Captain Grey's abilities that he appointed him the resident (a kind of native commissioner) at King George's Sound. Then commenced that long career of endeavour to restrain and civilise the barbarian native tribes of Australia, New Zealand and South Africa with which his name is so indissolubly connected. On the principle that the devil can always find some mischief for idle hands to do, Captain Grey's panacea for native troubles was remunerative work. In accordance with this he induced many of the aboriginals in his vicinity to construct and work on public roads. And that they might see continually the results of their labours he adopted the novel procedure of paying them their due twice daily. This succeeded admirably in Australia as it did in British Kaffraria. Also at this time he commenced his researches in, and his writings on, Polynesian folklore, and languages and customs which, even to-day, are the authoritative statements on these subjects. At the expiration of his two years' leave of absence, he returned to England and wrote an account of his Australian experiences.(1) As a result of the ability of which he had given such evidence, at the age of 25 he was sent back to Australia as the Governor of South Australia, where difficulties other than those connected with the natives, faced him. South Australia at that time was in a bad way. Due to the extravagance and mismanagement of a former Governor, financial ruin was facing the country. The revenue, derived chiefly from the sales of lands, was about £3,000 per annum, while the expenditure was something like £94,000 per annum. To bring down this expenditure to some more reasonable rates, to increase revenue as well as to introduce further desirable reforms in the Government of the country were the problems which were to be solved by Captain Grey. During his five years of

(1) Journals of two expeditions of discovery in north-western Australia during the years, 1837, 1838, 1839. London, 1841.

office there he accomplished much in these directions. Drastic retrenchments reduced the expenditure to less than a third ; a legislative Council was nominated and, in short, a country verging on bankruptcy on his arrival was in a flourishing condition when he was called upon to leave it to introduce order in another country still more chaotic. It was most extraordinary that in addition to the immense amount of work he must have had to do in his administrative duties, he found time to study the natural history of the country and to collect an enormous number of specimens of all kinds, animal, botanical and mineralogical. Something like three hundred cases of valuable material were sent to the British Museum and the chief museums of Germany, France and the United States. Much of it was new to Science. His work in this connection would have been no mean credit to a University professor who had little else to do than original research and the collection of new specimens.

In 1845, Captain Grey was called upon by the British Government to go to New Zealand as its Governor. That country at that time was in a parlous state. Lord Stanley, in making the appointment, said that Grey's new duties had nothing to recommend them but their *arduous nature.* " The urgent necessity," he said, " which has arisen in invoking your aid in New Zealand is the single apology I have to offer for calling upon you with no previous notice." The numerous tribes of warlike Maories were at war with the comparatively speaking, mere handful of Europeans, who, in good faith, had arrived in the country to form peaceful settlements. The great and formidable enemy with which Grey had to contend was a powerful land speculation company, the New Zealand Company, originated and developed in England, in spite of much opposition, by the notorious Edward Gibbon Wakefield. Among his promotees were some of the great ones of the British Parliament. Under the colour of colonisation, lands in New Zealand, to which the company had no right or title, were sold in London.

In a very short time a capital of £100,000 was raised, and on June 22nd, 1840, the first batch of settlers arrived in Wellington, but only to find that the company held no land. " It never placed a single settler on a single acre of land with a good title obtained from natives." The natives on their part naturally resented this unwarrantable intrusion on their preserves, and bloodshed was the result. At Wairau thirty Europeans were massacred while plotting out lands. A chief, Hone Heki, in defiance of Britain, three times cut down the flagstaff at Kororareka (now Russel) in the bay of islands. Captain Grey's first actions on assuming his new office were to stop all purchases of native lands by private individuals and to prevent the natives from acquiring guns and ammunition. And to assist him in maintaining order he very soon succeeded in organising a native police force. Within two months of his arrival there was a change for the better.

In order to know the natives better and to get into intimate touch with their minds, so to speak, he learnt to speak their language fluently. He soon came to be looked upon as their father, and after a time could do almost anything with them. Great was the grief when the time came when he had to leave them.

In 1846 an Act for the Constitution of a government was promulgated, but Grey took it upon himself to postpone its introduction for five years, his reason being that he feared the power would get into the hands of the iniquitous company.

In 1848 he was created K.C.B. In 1853 he returned to England, nominally on leave, but really, as it happened, to take charge of another country which needed his wise head and guiding hand. He was not well received by the Government. The Duke of Newcastle—the Secretary of State for the Colonies—refused to see him, and he was attacked in Parliament by Messrs. Adderly, Pakington and Lord Lyttleton. But all the same he had no respite from duty before he found himself on board ship bound for the Cape of Good Hope as its Governor. He arrived in Cape Town on December 4th, 1854.(1)

After the usual official ceremonies connected with the reception of a new Governor, and after having taken over from Sir G. Russell Clerk, who had been acting as High Commissioner for effecting formally the abandonment of the Sovereignty, the papers and documents connected with that office and also relieving Mr. Darling, who had been Acting Governor, of the duties which he had been performing pending the appointment of a new Governor, Sir George Grey could turn his attention to the state of the country and to the problems which confronted him. The most important and perplexing part of these were connected with British Kaffraria. In spite of war having terminated so shortly before, the affairs of that country were in an unsatisfactory state and called for all the tact and determination which the new Governor could exercise. He was soon in communication with Col. Maclean, the *de facto* Governor of that part, and received from him, as well as from others, disquieting information, although just at that time all seemed to be quiet. But for some months previously there had been something more than rumour of hostile intentions on the part of the natives. And in connection with this an entirely new feature, which boded no good for the Colony, presented itself. This was the possibility of a combination of the Kaffirs with the Fingoes, the people who had so far always fought on the side of the Government. The hostility between these two races had always been a source of security to the Colony, as has already appeared in this work. The Fingoes at this time had become rich and powerful. From being the broken and scattered race they were when they first came into the Colony

(1) For further details on these matters consult the excellent History of New Zealand by G. W. Rusden, London 1883, and the Life of Sir George Grey, by W. Lee Rees.

about 1828, they had by their industry, thrift and the protection which they had always received from the British Government, collected in numbers, forgotten their former difficulties and the benefits which had been accorded them and apparently were now prepared to spurn the hand which had helped and protected them. Such a combination could not but be disastrous to the Colony. The state of the country with regard to its defence was that in British Kaffraria there were 2,541 soldiers scattered in 16 widely separated posts, and in the Albany and Fort Beaufort districts 1,391 men distributed among 13 detached posts. Between these there intervened Fingo locations of about 23,000 souls, 5,000 of whom were in possession of arms and capable of using them. The Kaffirs, especially the Gaikas and Ndhlambis, always disposed for war against the Colony, welcomed the overtures which were made by the leading Fingo chief, Jokweni, who lived in the Peddie district. It was said that an alliance between the two peoples was to be cemented together by Sandilli marrying one of Jokweni's daughters. On the other hand it was said that Jokweni had no unmarried daughters. But, according to Mr. Charles Brownlee, who had special facilities in discovering what was going on, Kreli was advocating the intermarriage between Kaffirs and Fingoes. According to the same authority, the Kaffirs discovered that they had made a great mistake in having slighted the Fingoes and treated them with contempt; they now saw they were of pure blood of "the great house of interior." The Fingoes, on their part, looked forward to an amalgamation with the Kaffirs as a means, not only of escaping from their thraldom, but of enjoying the practice of their rites and superstitions, which they understood were to be put down by the Colonial Government. Sandilli, still quoting Brownlee, welcomed the message from Jokweni and said: "I do not like the white man; I am ready for war, but my people are yet tired" (presumably from the last war). Sandilli communicated with Umhala (of the Ndhlambis), who replied: "Are you ready for war that you send me such proposals, as for myself I never had any faith in the white man. It is true that in the last war I had to appear neutral, but it was not the feeling of my heart." In justice to the Fingoes it is but fair to say that they had real and legitimate grievances. These arose out of questions connected with their land which they had occupied and cultivated for some years and of which now the Government seemed to be depriving them. According to the Maitland treaty of 1845 [1] these lands had been given to them in

[1] *Treaty of* 1845, *Art.* 16.

The said Governor doth hereby in the name of Her Said Majesty grant and confirm unto said chiefs and their tribe, that part of the said territory called the Ceded Territory which since the making of the Said Treaty of the 5th of December, 1836, they have held and occupied, which territory shall be held by the said chief and tribe, *their heirs and successors in perpetuity, never to be reclaimed by or on behalf of the Said Majesty*, except in the case of hostility committed or a war provoked by the said chiefs or tribe, or in case of a breach of the Treaty, or any part thereof.

perpetuity, and now the white man was settling among them, taking lands which the Fingoes regarded as their own and spoiling the people by the infliction of ruinous fines for the unavoidable trespass of their cattle. Col. Maclean himself acknowledged, May 3rd, 1855, that he was a witness to the Maitland treaty and that he had been through the district and had seen white men's houses on lands which had been granted to the Fingoes.

In anticipation, however, it may be said that the Fingoes' bark was worse than their bite ; they remained loyal and ready to render further service to the Colony. But in the case of the Kaffirs it was not so. Much experience had taught the colonists that the Gaika bite had too often been disassociated from any warning bark whatever. At this time there were the usual signs of a coming war ; servants were leaving their masters stealthily for no assignable reason other than to join in hostilities against the Colony and people on isolated farms, in consequence of warnings from their faithful servants, were preparing to congregate in defensible places for safety. Lieut.-Gen. Sir James Jackson, who had been in command of the Kaffrarian forces as well as appointed Lieut.-Governor of the Eastern Province, wrote to Sir George Grey : " I regret to say that I am not at all satisfied with the present state of affairs in Kaffirland and on the Frontier, and from what I learn from various reports, supposed to be confidential, given to old inhabitants by native servants, Kaffirs and Fingoes long in service, it appears that an immediate outbreak is determined upon. Several of the frontier farmers are preparing to leave their homes and some have actually moved into Fort Beaufort and other military stations." Sir James begged Sir George Grey to send, without delay, 300 men of the 73rd Regiment from Cape Town and to apply to the Governor of Mauritius to detach a regiment from that place for service in South Africa. Sir James Jackson, perhaps in consequence of the inadequate force he had for defending so extended a country, seems always to have been quaking with fear and expecting immediate disaster. Such a despatch as the above, almost the first Sir George Grey received after his arrival, must have indicated that his Governorship was to be no sinecure. There were other disquieting circumstances. It was discovered that a secret communication was going on between the Basuto chief Moshesh and Kreli. A few months subsequently to Sir George Grey's arrival, Moshesh sent a petty Tambookie chief to Kreli with a message to the effect that with only a small portion of his nation he had beaten the English at the Berea, and that had he mustered all his people he might have destroyed all the English. He now wished to come to an understanding with Kreli with regard to a combination with the Kaffirs for offensive purposes.

Among other matters which indicated to Sir George Grey, thus early, that his career in South Africa was to be even more arduous and

harassing than that in South Australia and New Zealand had been were the troubles in connection with the Orange Free State and Adam Kok and his Griquas. On December 29th, 1854, Kok wrote from Phillipolis complaining of the neglect of duty on the part of Sir George Russell Clerk, who had been sent out from England as a Special Commissioner for the purpose of settling all matters in the Sovereignty prior to its being abandoned by the British Government. This will be dealt with further on.

" To our astonishment," said Adam Kok (or his missionary for him) " Her Majesty's Special Commissioner has made no investigation nor given any answer to our complaints, but simply proposed certain terms which will only increase the injustice under which we have suffered by depriving us of that portion of the country which we still retain, and compelling us either to remain in this country as serfs to the Boers or to leave us to wander as vagabonds upon the face of the earth. His Excellency annulled the Maitland Treaty, left the country without coming to any arrangement with us and abandoned us to whatever calamities might befall us—calamities brought on by no faults of our own but by the policy of the British Government, which pledged itself to secure for us the exclusive use of the inalienable Territory. Our hold upon this territory is now lost and given over to a government which is hostile to us. By our faithful adherence to the British Government we have made ourselves obnoxious to the Boers and certain native tribes. We are now left without any protection against vengeance. We who had been faithful allies have been forsaken, while our enemies and those who would spoil us are treated with all kindness and consideration."

Sir George Grey, having forwarded this letter to Sir George Clerk, who was still in the Colony, received a reply dated January 20th, 1855. He, " in reference to this reduced medley of idle and impoverished crossbreeds established by Dr. Philip between the Orange and Vaal rivers," said that he had sent a despatch concerning them to the Duke of Newcastle on the previous March 28th (1854). He had pointed out that " Our very troublesome acquaintance with them was the consequence of the political transactions of missionaries—people living nominally under the sway of a captain who does not and cannot govern them—the sooner this authority is annulled the better. The conversion of the heathen Griquas was deemed more important than the welfare and attachment of the unenlightened Dutchmen." Sir George Clerk showed that the Griquas had made no use of the lands and that they were idle and useless people and that the sooner the treaty of 1845 was annulled the better.

It will be remembered that after the Kat River rebellion large numbers of the rebel Hottentots fled into Kreli's country, where they still were when Sir George Grey arrived. Ninety-five of them sent in a

petition asking for pardon and permission to be allowed to return to the Colony. Col. Maclean thought this should have been complied with as, in the event of war, these people would have been added to our enemies and would have been all the more dangerous as many were Cape Corps deserters who were armed and good shots. Sir George Grey's answer was that just and equal laws were made for the protection of the lives and property of all classes of the Queen's subjects; but the Hottentots had broken the laws, had committed murder, robbery and taken plunder of all sorts. The Governor cannot tell any man, be he Hottentot or any other guilty of such crimes, that if he came into the Colony he would not be likely to be brought to justice; the police were constantly on the look out for such offenders. These Hottentots therefore who were conscious of having done evil had better stay where they were. However, in honour of the restoration of peace and tranquility in Europe after the Crimean War, affording a happy occasion for Her Majesty to exercise her high prerogative of mercy, a pardon to all, bearing date August 14th, 1856, was granted. But none of these Hottentots were permitted to enter the districts of Albany and Fort Beaufort.

Sir George Grey, in a short space of time, having collected much information with regard to the state of the country, was prepared on December 22nd, 1854—a little more than a fortnight after his arrival—to send a despatch to the Secretary of State in which he formulated his policy for future action. He had learnt that the cost of the late war was at the rate of a million per annum and, as the signs of those times indicated, he saw there was no certainty that wars were at an end. As in South Australia and New Zealand, his policy was that of destroying his enemies by making them his friends, thus to bring about a permanent tranquility and to relieve Great Britain of great native-war expenditure. Again his panacea for all native troubles was remunerative public works, such as opening up new roads. For the Fingoes and others who were sufficiently advanced to appreciate them, industrial schools where useful trades might be learnt were to be established. Further, he proposed schools for education of the children and a hospital for the sick. In this way he hoped gradually to win them to civilisation and Christianity. He pointed out that all this would cost money, but nothing like as much as the cost of a war. He therefore asked the British Parliament to make him an annual grant of £40,000. As the scheme progressed and succeeded he hoped this grant would be able to be reduced year by year until in about eight or ten years no further subsidy would be needed.

As all the information he had received so far was little more than hearsay, he determined, as soon as possible and while there was a comparative peaceful lull, to visit the troubled parts of the East and see things for himself. He reached Grahamstown on January 31st,

1855. There he found general fear and alarm and a feeling of uncertainty as to how long the peace would last. The accounts he received from people who should know were confirmatory of those he had already heard. From Grahamstown he made his way to Kaffirland, where by the assistance of Mr. Chas. Brownlee he came face to face with the most important of the Kaffir chiefs. Sandilli had told Mr. Brownlee that he did not intend to meet any more Governors. Sir George, on his part, let it be known that he did not wish to meet any of the chiefs, knowing full well that this was just the way to make them want to see him. He intimated that he would not visit them, but should they desire to meet him, they would find him at a military post. The result was that Sandilli, Maqomo, Anta and other important chiefs, accompanied by 800 unarmed men, went to the Dohne post (near the present Stutterheim) where an interview with the Governor took place. Sandilli desired "to open his heart," which meant, as he afterwards stated in writing (or his missionary for him) that he desired to get back the land from which he had been driven. The Governor had to tread warily; he was cautious not to get into any awkward conversation or argument. He spoke about the cattle disease, which was then raging, and other non-commital matters and ended by distributing among the assembly, bullocks blankets and tobacco. Thus he left them in good feeling on both sides.

On his return journey, Sir George Grey reached Port Elizabeth on March 3rd and Cape Town on the 6th. During this journey he gained much useful information and saw more clearly the course of action he should pursue. He agreed that in the event of the Fingoes joining the Kaffirs against the Colony the resulting disaster would indeed be great, but from what he had seen of them he did not think they would. He found them in a discontented state and with no very good feeling towards the Government. Hundreds were living neglected on lands which they maintained were quite inadequate to their needs and, further, they complained of the vexatious interference of the subordinate Government authorities in their customs and ceremonies. For all this however there was a remedy.

As a step towards the permanent defence of British Kaffraria he prepared a scheme which he had tried with success in New Zealand. That was to introduce into the country a number of enrolled pensioners, that is men who had already served their time in the army, were in the prime of life and capable of performing still further military duty. These, with their wives and families, were to be given lands or building plots to begin with in King Williamstown and Alice. In case of hostilities they were to garrison the posts and thus liberate the regular soldiers for more active service in the field. On March 15th, 1855, shortly after his return from the East, Sir George Grey opened the second, but for him the first, session of the Cape Parliament.

His speech was of great length. It seems to have been written as much for the Secretary of State as for Parliament. It embodied his enlightened and comprehensive views with regard to the permanent tranquillisation and development of the country as well as to benefiting and civilising the native tribes which had for so long been a scourge to the Colony. The speech was original in that his policy, in some respects, was the reverse of that adopted by his predecessors and not altogether consonant with the views of the British Government. He expressed his disapproval of the attempt to maintain a neutral or "ceded" territory between the Fish and Keiskama Rivers, which in days gone by had been the unsuccessful remedy for conflicts between the Kaffir and the Colonist. He considered as worse than useless a system of frontier defence based on the idea of maintaining a vacant tract of territory and endeavouring to keep at a distance, without any systematic efforts to restrain them, barbarians, who would be quite sure to break through whenever it suited them to do so.

We cannot (he was of opinion) neglect and ignore our duties towards an adjacent barbarian race without suffering those evils which form a fitting punishment for such neglect. Our duty, rather, is to make them a part and parcel of ourselves with common interests, to turn the destroyers of our stock into consumers of our produce, useful as servants and contributors to our revenue, in short, to make them a source of wealth to the country. Then as to British Kaffraria itself, his policy was one which might have brought down upon him all the wrath and vituperation of Exeter Hall. It was none other than that of encouraging Europeans to settle in that fertile country, which was so capable of supporting a dense population. At the same time, however, he did not propose to dislodge the natives, but, by schools of industry and employment on public works, to teach them the value—and perhaps the dignity—of labour and to impress upon them the evil of their own way of living. Sir George always was an optimist. He recommended the separation of British Kaffraria from the Colony and giving it its own complete government. In connection with the question of maintaining order in the country and, indirectly, the defence of the frontier, he detailed his pensioner scheme. The men to be medically fit and not over 45 years of age. They were to be accompanied by their wives and not more than five children; to serve during seven years and never to move further than five miles from their posts. They were to assemble in arms every Sunday for church parade and to comply with other regulations and perform other duties yet to be specified. In return for their services they would have a free passage to the Buffalo River (East London) and would be allotted a piece of land and cottage, which would become their property at the expiration of the seven years. As a further means of permanent defence, although he approved of the existing mounted police force, he stated his inten-

tion to propose a law upon which a new organisation would be introduced which would practically replace it. The force which eventually materialised was the Frontier Armed and Mounted Police (the F.A.M.P.) under its distinguished commander Sir Walter Currie.

Turning to matters connected with the North, Sir George Grey stepped into the edge of shallow but troubled political waters which drew him deeper and deeper into the dangerous rapids of Imperial displeasure and resulted almost in his destruction as a Colonial Governor. He highly disapproved of and as he said he felt much anxiety with regard to the little republics of the Orange Free State and Transvaal. He considered that from their weakness they would find much difficulty in working out their destinies and involve themselves in trouble with the natives. In this, as will be seen later, he was not very far wrong. But then all parts of South Africa at some time or another became involved in troubles with the natives.

His hope for the exiled people of the two republics was founded upon the Dutch Reformed Church to which all belonged. In view of their very limited means of instruction, religion and supervision, he regarded that church as a force of great value and importance. He had seen, he said, the powerful influence, the system of government and discipline which it exercised on the morals and conduct of its members. It imposed regularity, decency, order and propriety of conduct and fulfils many functions of government and law. He suggested the endowment of one or more Theological Chairs, the professors to be chosen by the Synod of the Dutch Reformed Church.

After having thus indicated to the House of Assembly these proposals for the welfare of the country, with all modesty, he asked the august house to indicate any modification of these proposals which might occur to them, or in the event of their agreement, that they, as the depositories of the revenue of the Colony, would render him material assistance by advancing a part of the sum of money, which he had asked from the British Government. The speech was sent as a despatch to Lord John Russell, the then Secretary of State. His somewhat half-hearted reply, dated Downing St., June 3rd, 1855, was as follows : " Let me in the first place declare explicitly that it is for no object of dominion or extension of territory that Great Britain wishes to maintain possession of British Kaffraria. So far as the interests of this Empire are concerned British Kaffraria might be abandoned and the Eastern districts of the Cape Colony left unprotected without injury to the power of the United Kingdom, and with a considerable saving to its finances But such considerations have not been allowed to prevail The performance of an honourable duty to British colonists, the maintenance of a position acquired at great cost both of men and money, and, lastly, views of comprehensive and vigilant humanity, induce Her Majesty's Government to take a very

different course. Her Majesty, impelled by these high motives, approves therefore of the general line of policy which you propose to adopt. It is now my duty however to point out to you the serious obstacles which may prevent your deriving the immediate benefit you expect from the measures you have devised. At the root of these obstacles lies the difficulty of supplying British Kaffraria with a sufficient European population to vanquish in arms and conquer by civilisation the native tribes. I fear that in British Kaffraria you will find it difficult either to stock the country with emigrants or to procure from our limited supply of pensioners, a sufficient number of men fulfilling your conditions and willing to embrace the proposals you hold out to them. Still, what is difficult is not impossible, and I will do all in my power to forward your design. Could you by the other means which you propose of employment on public works of establishments for education, of hospitals for the benefit of the natives and other subsidiary means, obtain an enduring influence over the African tribes, I should hope that the measure of sending pensioners from this country might succeed as well in Kaffraria as in New Zealand. I must frankly tell you however that perseverance in these measures must depend on the willingness of the Colonial Legislative to assist and promote your views. We cannot undertake to help the Cape Colony unless the Cape Colony is ready to take its proper share in the task. You will understand, therefore, that the grant of £40,000 now assented to and the measure of sending pensioners to the Eastern districts of the Colony are adopted in the hope that the Colonial Legislative will concur in your enlightened views and assist them in the most liberal manner." The pensioner scheme was a failure. The uncertainty of the life they were to lead in a country which was totally unknown to them did not prove sufficiently attractive. Of the first instalment of 1,000 which was to have been sent out, only 107 enrolled themselves, and of these it was felt that many would withdraw. In the end so few, compared with the numbers asked for, having volunteered, the Secretary of State decided to drop the scheme altogether. In the meantime, however, assuming that the project was going to succeed, preparations were being made for their reception. Plots of land were measured out in the vicinity of King Williamstown and a number of small (very small) cottages were constructed by military labourers. The cottages were of brick, twenty feet long and twelve feet wide ; they had two rooms, a thatch roof and a chimney. What more could a pensioner want ? On their arrival Col. Maclean was instructed to have transport and rations ready, and in the case of the men, to find them employment on the public works, at one and sixpence (1s. 6d.) per diem until they could find other work. But no pensioners came, and the cottages were allowed to be used by married soldiers. So a proposal which might reasonably have been expected to meet with some success was a complete failure ; while another scheme which on

a priori grounds could have promised but little, namely, that of inducing the raw Kaffir to work, succeeded far beyond all expectations. They took to road making with avidity and seemed to live only for their pick and shovel. "The most warlike of the Gaikas were taking to public works and labour with all enthusiasm," said Sir George Grey on June 11th, 1855. The officers appointed to enlist labourers were so inundated with applications that very many had to be refused. Speaking roughly, between 750 and 1,000 men were continually on the roads. In June, 1857, there were 2,194, but that large increase was due to great poverty and starvation, which will be dealt with later. As a means of supervision, one man out of every sixteen was made a first-class overseer at one shilling per diem and rations; one out of every eight was a second class overseer with nine pence per diem with rations, while the remainder received 6d. per diem with rations. The average cost of each man per annum was £16 5s. 3d. "For this they open up new roads in the country, thus conquering for us and are contented to do so." But they could not be relied upon. It was felt that if the military strength, which kept them in awe, was withdrawn, they might break out at any moment. Hence it was always necessary to be ready for trouble. Kaffir labour on roads, however, could be regarded only as a temporary matter. As a more permanent measure and one leading to progressive civilisation Sir George Grey considered that industrial education combined with the ordinary school and religious curriculum was to be the solution of the native question. In this connection he may be looked upon as a great missionary. For not only did he encourage and enlarge the mission station then in existence, but he established new ones. He was enabled to do this by the large annual grant which had been sanctioned by the British Government. To Bishop Armstrong of Grahamstown a sum of £5,127 was given for the purpose of commencing mission stations in the tribes of Sandilli, Umhala and Kreli and for the Fingoes at Keiskama Hoek (St. Matthew). To this place £900 was granted for the construction of a "Mission house and industrial school in the neighbourhood of the Fingo location on the Keiskama River." To Lovedale, the oldest of the mission stations in Kaffraria, a grant which enabled that institution to develop the industrial side of the work was made. On February 12th, 1855, Capt. Pilkington, the Government engineer, sent in his plans for the new Lovedale buildings.

The Wesleyan mission station of Healdtown, situated on the beautiful hills about six miles from Fort Beaufort, owes its foundation to Sir George Grey at this time. In the vicinity a small Wesleyan church for Fingoes had been built, in 1854, by the indefatigable Rev. John Ayliff, one of the British Settlers of 1820, who guided the 16,000 Fingoes into the Peddie district when they fled from Hintza's country in 1835. When Sir George Grey visited the East, Mr. Ayliff did not lose the opportunity of meeting him and enlisting his interest on behalf

of these people. The result was a grant of £4,000 for the erection of a school and workshop. Thus, on July 17th, 1856, Healdtown commenced the career which to this day has been one of uninterrupted success and progress. It is now a very large institution and almost constitutes a township.[1] In the Western Province Sir George Grey, in conjunction with Bishop Gray of Cape Town, established the missionary institution of Zonnebloem. The institutions in the Eastern Province were more of a local character. The aims of Zonnebloem were of a much more comprehensive character; they were the improvement and civilisation of the children of chiefs and other influential natives in all parts of Africa. Dr. Livingstone and Bishop Mackenzie were told that people from the far-away regions in which they worked would be welcomed at Zonnebloem. The work commenced in a part of Bishopscourt, the residence of Bishop Gray at Claremont, near Cape Town. Fifty young persons who had been brought from the Free State, British Kaffraria and other parts, formed the nucleus and were placed under the care of the Bishop. By 1860 the accommodation at Bishopscourt became inadequate, thus the present site at Woodstock, near Cape Town, was acquired for £6,000. £4,000 of this was subscribed by pious people in England, the Baroness Burdet Coutts and the Duchess of Northumberland giving large amounts, the Government added the remainder and contributed £1,000 per annum for the support of the industrial teachers and the S.P.G. contributed £1,000 per annum for the support of the warden, schoolmaster and lady warden. At this time considerable progress had been made in industrial work, and four students went to St. Augustine's theological college, Canterbury, preparing to enter the church.

But this mental and moral improvement of the natives could be on no sure foundation while the witchdoctor, the great enemy of all progress, still wielded his baneful authority and influence in Kaffirland. Sir George Grey's move to counteract this was to establish, under the care of an experienced doctor, a hospital where diseases of all kinds might be treated. As a preliminary step, a Dr. Bindon, of the 6th Regiment, while stationed at the Dohne post, treated successfully a number of Kaffir cases which had been given up by the witchdoctors. This caused considerable talk among the natives and, in a measure, prepared the way for the fine hospital which was established in King Williamstown. It was built chiefly by the soldiers, who had little else to do in the time of peace than to remain ready to meet any trouble, and by Kaffir labour. So, as they say in trade, "good value" was obtained for the money. As a resident medical man, Dr. J. P. Fitzgerald was appointed. This gentleman had been a distinguished student of Glasgow University and, although a good all-round man, he had specialised in eye operations. In due course he was appointed

[1] *Vide* pamphlet, Jubilee of Healdtown, July, 1906. And Cape Archives for Capt. Piers' plans for the proposed buildings, Vol. CO 115.

to take charge of the native hospital at Wellington, New Zealand, where he did excellent work and became a great favourite with the Maoris. Their sorrow at his departure was evidenced by the addresses of loyalty to the Queen and affection for himself. " Go, oh Dr. Fitzgerald," said Na Hemi Parahi, the chief of the Ngatiawa, " to your country, to your people with all the goodness, kindness and gentleness which you have shown to the natives of New Zealand." Sir George Grey, when Governor of that country, had appointed Dr. Fitzgerald to Wellington, and so was well aware of his ability and character. He was therefore very glad to be able to appoint him to King Williamstown. He arrived there on March 10th, 1856. Very soon the hospital was full of patients. They came from all parts, far and near, with every variety of disease. The witchdoctor was being sadly undermined and finding himself out of date. By June 17th, 1858, no less than 11,380 cases had been treated. Some of the eye cases were extraordinary. Dr. Fitzgerald treated eight blind people, four of them were completely restored to sight and four were improving. One of those completely cured had been blind sixteen years. In his gratitude he thus wrote to the Queen :

King Williamstown,

June 23rd.

I am very thankful to you dearest Queen Victoria because you have sent for me a good doctor, a clever man. I was sixteen years blind Mother, O Queen, but now I see perfectly, I see everything, I can see the stars and the moon and the sun. I used to be led before, but now O Queen, I am able to walk by myself. Let God bless you as long as you live on earth. Thou must not be tired to bear our infirmities, O Queen Victoria (Ma uze ungadiniwe ukulwelwe betu umkanikazi Victoria).

In all this work Dr. Fitzgerald was without medical assistance. It is scarcely surprising, therefore, that in 1859 his health was breaking down and that he was compelled to retire to England.(1) But the chief

(1) There was another worker at King Williamstown hospital, who deserves something more than a passing notice. This was Mr. Gilstain, the apothecary or dispenser, a man who was imbued with the spirit of original research in chemistry and botany. He noticed on the wood fuel as well as on the trees and rocks in the vicinity a lichen from which he extracted a purple dye. Scarcely a bush, rock or tree is free from it, he said. (For the details of the chemical processes by means of which he did the extractions, *vide* Cape Archives, Enclosures to despatches for 1861, Vol. 44.) The lichen were *Rocella tinctoria* and *Pamelia perlata*. Having extracted some quantity of the dye he sent a specimen of it, together with some silk dyed by it, to Dr. Pappe, the professor of botany at the South African College. He reported (June 11th, 1860) that the dye was of a superior kind and its performance would greatly enhance the value of the plant as a future article of trade. Also some of the dye and materials dyed by it were sent to Sir William Hooker of Kew. His report (Feb. 27th, 1861) was : " I have great pleasure in being able to say that one sort proved nearly, if not quite, equal to the best Orchilla weed (that of Lima) on the market. The raw material is worth from £35 to £38 per ton. Curious that that source of wealth has not been explored in more recent times."

object was gained, namely, that the Kaffir saw that there were better means of treating sickness of all kinds than those of the evil witchdoctor. Shortly after the second session of Parliament was ended, Sir George Grey set off again on Eastern travel. This time his programme included visits to the far-away Orange Free State and Natal. He left Cape Town in August, accompanied by Lady Grey. Their first halt was at Paarl, where they received the usual enthusiastic welcome, in which the children took a prominent part. The Governor was very pleased to know that in educational matters there was no distinction between European and coloured children, that all, regardless of colour, were instructed in the same classes. From Paarl, where Lady Grey seems to have left him and returned to Cape Town, he made his way to Graaff-Reinet, Burghersdorp and, on September 25th, arrived at Aliwal North. Thence he crossed the Orange River into the Free State, where he was most warmly received by the Volksraad and people generally. He was regarded as one who could heal all the sores and solve all the difficulties which then oppressed the infant Republic.

President Boshof, evidently feeling that the presence of Sir George Grey would overawe the chief enemy of the *Orange Free State*, namely Moshesh, the great Basuto chief, contrived to have a meeting with him in the presence of the Governor. The interview took place at Smithfield on October 5th. But the wily Moshesh was on his guard and did not commit himself. The President opened the conversation. He must have had his tongue in his cheek when he told Moshesh that he (Moshesh) was a man who loved peace and that he was always anxious to do the right thing. With a little introductory flattery and " blarney " of this nature he emphasised the object of the meeting, which was, in the presence of the Governor, to complain of the continued thefts of stock perpetrated by Moshesh's people. From information which he had collected from his field-cornets he found that the Free State farmers had had stolen from them 363 cattle, 294 horses, 112 sheep and that the Free State was being driven to such desperation as must, at no distant date, lead to very serious trouble. The reply of Moshesh, in substance, was that this is a meeting of friendship and such things should not be spoken ; the sword of the mouth is grievous, we had better not speak so ; let us not speak further to-day, but go home and correspond by letter. Asked if he would like Sir George Grey to give advice, he said if it was not the proper day, advice to a chief should be given in private, he (Moshesh) did not come to speak of such matters. Sir George, however, did say a few words. He pointed out that no civilised country could exist in contact with a nation of thieves ; he felt sure that Moshesh in his wisdom and goodness would appreciate the words of the President about stealing. In reply, Moshesh said he could not bind himself to say that there would be no more cattle stealing ; thieves did

not go to him and tell him when they were going to steal. Thus the meeting ended.

It did, however, lead to some promising result—but promising only. On the next day, October 6th, an agreement, or treaty of peace, between President Boshof and Chief Moshesh was signed. Its value may be judged from the secret communication which at this time was going on between Moshesh and Kreli with regard to a combined attack upon the Colony, also from the brag of the former that, with a part only of his army, he had beaten the English at the Berea in 1852. The chief points of the agreement were that anyone entering the Orange Free State from Moshesh's territory was to have a pass from one of the chiefs. This was useless, as these chiefs, especially Moletzani, Letsea, and Poshuli, were among the worst of the thieves. In the case of stolen animals being traced across the boundary of any chief, information had to be given to that chief, who was to take up the spoor and capture the guilty parties. The punishment was to be the restoration of the stolen property and a fine of four times its value. This, in fact, was a modification of the Stockenstrom law of 1836, which, in consequence of the difficulty of carrying it out, practically amounted to the legalisation of Kaffir cattle stealing. If squatters on farms did not move off after due notice they might be driven off by force. Similarly, if Free State boers settled in Moshesh's territory without permission, force to remove them might also be used in their case. All disputes of land were to be settled by the combined decisions of Boshof and Moshesh.

All this, however, came to nothing or, rather, in consequence of the continued infractions of the terms of this agreement on the part of the Basutos, war broke out between them and the Orange Free State a short time afterwards.

From the Orange Free State Sir George Grey travelled to Maritzburg and Durban and saw Natal for the first time. He was pleasantly surprised to see the progress which had been made so far in the development of the harbour. But a still greater surprise, in view of the small population (1) and scarcity of labour, was the extent of the sugar-cane industry. He foresaw in Natal a great sugar, cotton and coffee country. The labour difficulty, which he so clearly saw, led him, if not to originate, then to encourage and to bring about a policy which by very many since that time has been looked upon as "Natal's great sin," namely, the introduction of coolie labour from India. Though Natal swarmed with African natives, Zulus and others, they could either not be persuaded to work at all or, if they did, it was too unreliable in continuity and unsatisfactory to make the industry a commercial success. Spasmodic and intermittent work such as that of the natives of British Kaffraria in making roads, where time and the nature of the work were not the first considerations, would not

(1) It was estimated that at this time the population of the whole of Natal was between seven and eight thousand.

answer in the sugar industry of Natal. The solution of the difficulty therefore was the importation of Indians, a measure which had been attended with success in the sugar estates of Mauritius. In an address from the inhabitants of Durban they said: "Independently of measures for developing the labour of our natives, we believe Your Excellency will find occasion to sanction the introduction of a limited number of coolies or other labourers from the East in aid of the new enterprise on the coastlands, to the success of which sufficient and reliable labour is absolutely necessary." On November 17th, 1855, Sir George Grey wrote to Mr. Labouchere, the then Secretary of State, strongly recommending this measure. In answer to this, on March 5th, 1856, Mr. Labouchere said: "Owing to abuses which sprung up in a former emigration of coolies through the agency of private individuals, the Government of India, acting in accordance with the views of the Court of Directors in this country, have for several years prohibited emigration except to particular colonies and under regulations carefully framed for the protection of the emigrants. He hopes no objection will be entertained to giving the necessary permission by law for the proposed emigration to Natal from Bombay. The demand for emigrants already existing at Calcutta and Madras and the difficulty of procuring the numbers sought by colonies which hold out the inducement of very lucrative employment to coolies would appear to render it very improbable that Natal could command success at these ports."(1) At this time there was a demand for coolies in the West Indies, and even India itself, where apparently the pay was better than that offered in Natal, which was "five to six shillings per month with ample rations." The whole matter was shelved for five years. In the meantime the Natal public became divided into two parties on the question of the wisdom of admitting Indian labourers into Natal. In the general election for the Legislative Council in 1857 there were 24 candidates for the twelve seats. Two only of the candidates advocated coolie immigration; they were defeated, and in the sugar-growing constituencies wanting labour. From this, therefore, it would seem that the public generally was against Indians. But in 1859 there was an extraordinary dearth of Kaffir labour in spite of the fact that thousands of Zulus had fled into Natal from Zululand in consequence of the murdering regime of Cetewayo. The opinions of many of the "anti-coolies" were thus reversed. The Legislative Council referred the question to a Select Committee. In the report it was recommended that Indian labourers should be admitted into Natal. In view of this, £5,000 were put upon the estimates for 1860 for the purpose of their transport from India. On June 1st of that year an officer was sent to Madras to engage and arrange for the passage of the number applied for; and in the middle of November, 1860, the barque *Truro* of 700 tons, arrived in Durban with 341 Indians on board, 197 men, 89 women and 55 children....The *Natal Witness*

(1) *Vide* report of Emigration Commissioners, Feb. 16th, 1856.

observed : " If we have not by this measure invoked a series of curses on this land we shall be glad to find our fears foundationless." That paper considered that the Legislative Council had committed a great evil without considering the serious consequences which will be its punishment. Thus commenced the enormous population of Indians which is so characteristic of Natal to-day.

Having thus traversed the whole width of South Africa and made himself acquainted with the general conditions of the country and its people, Sir George Grey embarked on the *Hydia* at Durban and in due course reached Cape Town again. During his absence but at his suggestion, a movement for the better government of, and the administration of justice in British Kaffraria was inaugurated. The vacillating policy of successive Governors in dealing with the native tribes is well illustrated here. After the termination of the '50 war, Sir George Cathcart, in writing to Col. Maclean on January 19th, 1854, said : " Military control, not colonisation, is the principle of the policy which has induced me to advise the retention of Kaffraria as a separate government independent of the Colony of the Cape instead of annexing it as a new colonial division or abandoning it altogether." Native progress in civilisation therefore was no great concern of General Cathcart. So long as, by their attitude towards the Colony, they created no need for military repression, they were at liberty to carry on all their barbarous customs and horrors.(1) The chiefs were left in complete

(1) Under the impression that Cathcart's policy of non-interference still reigned, an interesting case of witchcraft occurred in 1855, one in which Sir George Grey thus early in his Governorship took considerable interest and caused to be investigated. It appeared that a dead hare had been found in the hut of Nozi, one of Toise's people. According to Kaffir belief, that could only have been put there by some evil-minded person with the object of bewitching Toise, and that, in accordance with the usual procedure, it was a case for the services of a witch doctor. A Fingo, Magutyana, of the tribe of Umhlambiso, came forward and officiated. As a preliminary, an ox was killed for him and then, in the presence of Toise, his counsellors and a crowd of the commonalty, there followed the customary frantic and hideous dance. The doctor named Kolosa, a man well found in cattle and other property, and another as the guilty parties. Riems (long strips of oxhide) were put round their necks and then they were led to their respective kraals. Qankwana was appointed to deal with Kolosa. The poor man was bound and placed on the ground between two fires, Qankwana at the time remarking, " The Governor says we may deal with you as we please." When the skin was burnt from his sides and legs, one Umfengele released him and conducted him to his (Kolosa's) hut. But this was not to have been the end of it. The next morning a party surrounded the hut with orders from Toise to kill him. But again, by the instrumentality of Balincivade, he escaped, and in his fearful state hid in an adjoining bush. Eventually he reached the Christian chief Kama at Middle Drift, who procured assistance for him and reported the case to the Government agent. Thus it came before Sir George Grey. Kolosa's 70 head of cattle were divided among the counsellors, Toise himself receiving a large share. The other man was taken to his hut and burnt to death. Toise at that time was in receipt of a pension of £60 per annum from Government. From this Sir George Grey decided that there should be deducted a reward for Umfengele and a pension for the widow of the man who had been burnt to death. The " doctor " was banished as a rogue and cheat. In the investigation of his conduct he said he had received the power of detecting evil spirits in a dream and severe illness. The questioning, however, was too much for him. He pretended to go into an epileptic fit, but said Col. Maclean, he had seen soldiers do the same thing, but very much better. So much was made of this case that the witchdoctor business received a considerable setback.

authority in the government of their people. Further, a European population was not to be encouraged to settle in Kaffraria—rather was the policy to get rid of all who were there and who were not in any way connected with military requirements. The total number of Europeans in British Kaffraria at that time was about 1,250, about half of whom were in King Williamstown. As will have been seen, Sir George Grey's attitude was a complete antithesis to this. He reverted to a modification of Sir B. Durban's and Sir Harry Smith's policy of 1835. The present scheme was to confer magisterial authority upon the chiefs and to appoint to reside with them a British officer, civil or military, who should, if need be, modify their judgments and see that all was fair. The chiefs were to forego all their profits arising from their methods of administering justice—more frequently injustice—and in its place to receive a salary from the Government. The fines inflicted on anyone for injury to another were to go to the injured party, not, as before, to the chief. According to Kaffir ideas the people belonged to the chief and any damage done to one was really a damage done to the chief. Hence the compensation which he claimed. Upon Col. Maclean was imposed the duty of preparing the way for the change by interviewing the different chiefs; but there was to be no compulsion; they were to be persuaded to see that the change was for their own good as well as for their people. Col. Maclean, who by this time knew the natives well, looked upon the proposal with misgiving. His view was that the chiefs were apathetic to improvement and preferred their own barbarous ways of living to civilisation. They clung tenaciously to their privileges, customs and traditions; and though the white man brought them all sorts of good things into their country they preferred his absence. He considered that the continued presence of a magistrate at the chief's kraal would be greatly disliked and regarded as an irksome control and that successful opposition in a case by the agent would be regarded as a degradation of the chief in the eyes of the people. However, Col. Maclean and Mr. Charles Brownlee held meetings with the chiefs and people and put before them the Governor's benevolent intentions. The first meeting was addressed by the Governor himself. It was on September 17th when on his way to Aliwal North, during his recent long journey, he was able to meet Sandilli, his half brother Xoxo, and his people at the Dohne Post. Fortunately, in the interview, Sandilli himself paved the way for the Governor's proposals. He was in distress in that four of his wives had new cloaks, but they had no buttons to put on them. He begged the Governor to relieve the painful situation by giving him a supply of the needed buttons. Sir George Grey pointed out tactfully that if Sandilli were in receipt of a Government salary of £96 per annum with £180 to be distributed among his chief counsellors, he would be able to buy lots of buttons as well as other desirable articles. The chief counsellor Soga (the father of Tiyo)

opposed the proposition. It was, he said, the breaking down of the customs of the Kaffirs and the money would bring them into trouble. "How could Grey," he asked, "change what Cathcart had done." He (Cathcart) had given them their freedom and now Grey was taking it away. If Grey could make such a change as this he could give back to them the country from which they had been driven. Nothing decisive was done at this meeting. Many other meetings were held. They were very long and were adjourned time after time in order to give opportunities for private discussions. The suspicious Kaffirs exercised the greatest caution in committing themselves to this new regime. The chief concern seems to have been the characters and dispositions of the Englishmen who were to be stationed among them. Umhala was very opposed to having Major Gawler at his kraal. Major Gawler, who had been appointed to Umhala, had the reputation of enforcing his opinions and arguments by the sjambok. After a few weeks, however, due to the persuasive eloquence of Col. Maclean and Mr. Brownlee, all the chiefs gave in, and on January 1st, 1856, the new government for British Kaffraria came into force (1) and the chiefs commenced to receive their monthly sums of money. This must have been something of a gratification and a solace to them, for there were raging in the country stock diseases which were carrying off their cattle in thousands. Both horses and cattle suffered. In the case of the latter it was a lung sickness or epidemic catarrh, which shortly previous to this time had been very bad in Scotland and the Midlands of England. In 1854 an infected bull from Holland was landed at Mossel Bay, and thus the disease was introduced into the Colony. It spread with great rapidity throughout the country and all attempts to stop it failed. The number of cattle which succumbed was 114,513 (21,720 in the Western and 92,792 in the Eastern Province, including Kaffirland). Cattle could be bought for from seven to ten shillings—barely the price of the hides. Among the horses there was "horse sickness." This carried off 107,703 animals (41,853 in the Western and 64,850 in the Eastern Province.(2) The termination of the last, the '50 war, left the Kaffirs for the most part in a very discontented state. Though to those at a distance there appeared to be contentment and peace, yet those nearer saw unmistakable signs that all was not well, that in fact another war, at no distant date, was not an improbability. The Gaikas had been driven from their beloved Amatolo mountains and were fretting to get back, and when Sandilli and his Gaikas were disposed to give trouble, Kreli and Umhala, as far as was

(1) *Vide Grahamstown Journal* for August 5th, 1856, and a pamphlet by one T. B. Bayley, Cape Town, 1856.

(2) The magistrates were Lieut. Lucas of the 45th with Magomo; Capt. Robertson of the 60th with Anta; Major Gawler with Umhala; Capt. Reeve with Kama at Middle Drift; Mr. Vigne with Pato; and Mr. Chas. Brownlee with Sandilli.

consistent with their safety, were only too ready to join. But extreme caution on their part was necessary in making any hostile movement. Hence the underhand and extraordinary steps which were adopted to gain their ends. Though they worked secretly, enough transpired to indicate the danger there was, and to demonstrate the need for precaution and preparedness on the part of the Government. Perhaps, fortunately, their schemes led to such disastrous consequences to themselves as to preclude the possibility of any further war upon the frontier. As a preliminary, most absurd stories were disseminated among the people, very many of whom undoubtedly believed them. It was stated that the prophet Umlanjeni, who had done so much harm in connection with the '50 war, and who was credited with having foretold the great sickness among the cattle, had, according to one story, risen from the dead, and to another that he had never died, but had been living in Moshesh's country. Now he was said to have prophesied that all the cattle which had been carried off by the sickness would come to life again and that there would be a general resurrection of all those who had been killed in the last war; that great numbers of these had already returned and were those who, under the name of Russians, were fighting the English overseas and conquering them. As more practicable moves, Anta, in defiance of prohibition, had returned to the Amatola mountains and formed a camp of armed fighting men; two farmers on the Thomas River were driven from their places by Gaikas; Sandilli, in 1854, had convened a meeting of Kaffirs and Fingoes with a view to combining in hostilities against the Colony; and only six months after the end of the last war a large meeting had been held in Kreli's country to the same end. Added to all this there was still the suspicious attitude of the Cape Corps (Hottentots). The rebel Hottentots, of which there were about 500 fighting men, some of them desertees, were in Kreli's country and were in communication with their friends still serving in the Cape Corps, urging them also to desert. In February, 1856, there was a court martial held in King Williamstown, when several were found guilty and sentenced to terms of penal servitude of from seven years to life. As further ominous signs, Kaffir servants were suddenly leaving their masters in the Colony, and the farmers, with their experience of former years, were preparing to go into laagers. The officer who was in command of the troops on the frontier and who also was Lieut.-Governor of the Eastern Province was Lieut.-General Sir James Jackson. He lived in a state of perpetual alarm in that he felt that with the small number of troops at his command he would be able to do but little in the event of an outbreak, which he seems to have expected at any moment. He asked that the troops might be sent from Mauritius as soon as possible. He wanted four battalions of infantry and a regiment of cavalry. He would, he said, have asked for 5,000 men had not war been raging in the Crimea. In July, 1856, in view

of the alarm in the Colony, the Secretary of State wrote to the Governor approving of the troops being brought from Mauritius and gave his assurance that no time would be lost in despatching two additional regiments. The continued volcanic rumblings and apprehensions of war which had for so many months perturbed men's minds assumed a new character in 1856. In April or May of that year there commenced an extraordinary movement in which, as a kind of national suicide, the Kaffirs reduced themselves to so small a power and danger to the frontier as in future to be hardly worth while being taken into political calculations. This movement is one of the most extraordinary incidents in the history of any people or nation. Even to-day there is some difference of opinion regarding its origin, and the object in view, though there would seem to be but little doubt that it was an attempt to take advantage of the credulity of an ignorant and superstitious people in order to drive them to war.

It was not until July, 1856, that there reached Col. Maclean at Fort Murray a rumour to the effect that a new prophet had arisen in Kreli's country beyond the Kei. According to the unsatisfactory information which only could be obtained and the vague rumours which were extant, the new seer prophesied that people long since dead would arise from the sea. Among them there would be ancestors of many of the Amaxosa still living; that many of them had already risen and, called Russians, were fighting the English overseas. All these were to help the Kaffirs against the English in this country. Further, there would arise multitudes of disease-free cattle and abundance of good corn. But before this happy resurrection could come about, the Kaffirs were to put away all charms, kill all their cattle and destroy all their stores of corn. With the late prophet Umlanjeni's failures still in their minds, the people, credulous as they were, did not very readily accept all this, though those in Kreli's country had already commenced to kill their cattle.

It will be well now to view these matters from the standpoint of the Transkei. Naturally, as all the stories were in the main untrue, there is great variation among them. About four miles to the east of the Great Kei River, there is a smaller river called the Gxara. It runs through pleasant undulating grassy country, and near the sea it widens out into a large estuary. At a spot on its west bank far away from any other human habitation and in sight of the sea, there stood, in 1856, a small collection of Kaffir huts—a kraal—and near them the customary field of mealies or Kaffir corn. The kraal was that of Umhlakaza. He was a counsellor of the great chief Kreli and withal a witchdoctor prophet. With him lived his niece, Nonqause, a girl about sixteen. Her calling in life at this time was that of a peripatetic scarecrow, that is, it was her duty to move about among the mealies and to frighten away the birds. One day, while professionally engaged,

she was (according to her story) startled by ten young men suddenly appearing before her. They had apparently risen from nowhere. She was frightened but, nevertheless, she entered into conversation with them. Very suspiciously, when Nonqause returned to the huts and told her uncle Umhlakaza what had happened, he expressed no surprise, but told the girl to go again and interview the men. A day or so afterwards she obeyed. Umhlakaza accompanied her. As before, according to her story, some young men appeared, but they were visible only to Nonqause, Umhlakaza could hold communication with them only through her as a sort of spiritualist medium. When asked who they were and what they wanted, they replied "We are the people who have come to order you to kill your cattle, to consume your corn and not to cultivate any more land." But the most important part of their message on this, as on other occasions, was the injunction to spread far and wide the news of their appearance and the order to kill cattle.

According to another account the interview took place in the bush and the men represented themselves as the long dead, great chiefs Gaika, Ndhlambi and others. The seed thus sown quickly germinated and bore fruit. Nonqause's stories soon reached all parts of Kaffirland—British Kaffraria as well as the Transkei. But they were not welcomed or believed equally well in all parts. In the country of their origin, the Transkei, cattle killing commenced almost immediately, Umhlakaza himself setting the example. In the Ciskeian territories they were at first treated with either indifference or contempt; some Kaffirs laughed at the idea of dying and then rising from their graves as Russians.

According to the injunctions of the prophet, as long as the Kaffirs dispossessed themselves of their cattle, they were not obliged to kill them; they were permitted to sell them. Hence, in accordance with this, great droves of beasts were to be seen passing from Kreli's country into British Kaffraria. They were sold at extremely low prices. But who bought them? Not only the Europeans, but Kaffirs who enhanced their wealth by disbelieving the words of the prophet. Also, forseeing the evil day and the impending disaster which must overtake the people, Sir George Grey instructed the government officials in British Kaffraria to buy them as well as the discarded stores of corn and to preserve them at King Williamstown and the military posts. Very great numbers of cattle, however, were slaughtered and the people feasted upon the flesh. So plentiful was it that not only were the people, dogs and vultures gorged to beyond repletion, but large quantities were left upon the ground to putrefy. Thus a period of great famine was heralded by a period of great feasting.

In order to sift a little truth from the many wild and extraordinary rumours which had spread so far and wide, Kaffir spies were sent

into Kreli's country by Col. Maclean, Mr. Brownlee and Col. Gawler. The report received by Col. Maclean at Fort Murray was that there was great excitement beyond the Kei; that the cattle were being killed at the order of the prophet; and that the people firmly believed their dead ancestors, who by the way wore black Karosses, and had great stores of cattle, horses and dogs had risen from their graves; that they were armed with assegais but had no guns and all would come to life again except those who had died of snake bite or been drowned. Mr. Brownlee's spies brought first hand information from Umhlakaza himself. That great man assured them that he had seen, alive and well, his son who had died eighteen months previously, he had also seen his younger brother, the father of Nonqause and a favourite horse, but not only these quondam living creatures, but even a fresh ear of corn and a pot of Kaffir beer had risen from the dead. The places fixed upon for the appearance of the " Russians " and their old famous chiefs—those antique gentlemen of distinction—were the Ingela, Kwenxura, Keiskamma mouth and Tyumie. Much the same kind of report was received by Col. Gawler from his spies.

Mr. Charles Brownlee, then living at the Dohne post (near Stutterheim) moved continually from place to place using every endeavour to dissuade the people from their belief in the prophet and to wean them from their folly. He most certainly did much to minimise the suffering which was so general at a later date; in spite of his benevolent activities however, the infatuation made great and rapid progress. The great chief Sandilli, while he was under the influence of Mr. Brownlee, refused to join in the movement and forbade the people to kill; but, as will be seen, that fickle and vacillating individual soon fell from grace and became as bad as the worst of the others. Magomo would have nothing to do with Umhlakaza. His prophecies, he said, were the stories of little children; he had been deceived once by Umlanjeni in connection with the '50 war and that was sufficient. He was sorry to see the farmers leaving their places. The chief Kama, at Middledrift, drove away from his territory any who were suspected of favouring the prophet. The wily chief Umhala was circumspect. He undoubtedly approved of what was going on and eventually aided and abetted Umhlakaza, but he was conscious of the eyes of authority upon him. He dismissed his old counsellors because they did not favour the movement and appointed others more consonant with his views. These were refused their pay by Col. Gawler. The chief Pato, said that he never trusted prophets; he refused to believe them or to act against the Government. The result of all this was that with regard to belief in Umhlakaza the kaffirs were divided into two classes, the Abatamba or believers and the Amagogotya the faithless unbelievers. As might be expected, soon there was great hostility between these classes, the latter were accused of damaging

the cause by their refusal to make way for the new resurrected cattle by destroying the old. After a time, when the pangs of hunger began to drive the Abatamba to violence, it became necessary for the Government to protect the Amagogotya and their cattle by congregating them in the district of Idutywa (the Idutywa Reserve.) It is pertinent, at this stage, to inquire into the origin and objects of the movement and to endeavour to discover upon whose shoulders lies the responsibility for its commencement. Did it arise in the fertile brain of Umhlakaza, who in a spirit of religious fanaticism misdirected Kreli? or was Umhlakaza a tool in the hands of Kreli in order to bring about a war? It is scarcely conceivable that Nonqause, a girl of sixteen, could have had any political feeling which caused her, unaided, to concoct the various absurd stories she told. The answer to much of this is to be found in the actions of one who lived at a far distance from the scene of all this trouble and one who, on *a priori* grounds, would not have been suspected of being concerned in it. This was Moshesh, the great Basuto chief. Since 1854, in a manner hostile to the Colony, he had been in frequent communication with Kreli and other chiefs. He denied it, but there was too much evidence to the contrary. His reputation as a warrior had been greatly enhanced by his having beaten the English at Berea. The motive of Moshesh in his desire to fraternise with the paramount chief Kreli was undoubtedly to be found in the strained relations which existed between himself and the Orange Free State. War, due to the Basutos stealing Free State cattle and the farmers retaliations, was always impending. It did break out in 1858. And it was noticed that when war between these two people became more imminent, activity in the cattle killing became more intense. When, in August, the Free State Boers made an expedition against a robber chief Witzie, in which Moshesh was in no way involved and safe from Boer attacks, there was such a lull in cattle killing that it appeared for a time that the whole thing had quite died down. There was a similar lull in the following December. But when Moshesh expected attacks prophesies were most abundant. Moshesh, therefore, must have been acting as either directly or indirectly with Umhlakaza, who thus became a secondary instrument in the hands of the great chiefs working on the superstitions of the people. But *cui bono?* In a war with the Colony, which was not impossible, the man who had "beaten the English" would have been a most useful ally, Col. Maclean said that superstition had been made a means to a political end and that end was a combination of the black races against the white; that Moshesh since the Berea affair had kept up a political intercourse with the tribes and by his influence had encouraged the delusion and the acts of Kreli. When Sir George Grey became aware of this state of things, he wrote to both Kreli and Moshesh. To Kreli he said, "My friend Kreli: I have just heard that your messengers have arrived at Sandilli's

and Umhala's and have delivered your message, that the people upon this side of the Kei should kill all their cattle and cut all their corn. If they obey these orders of yours, starvation will follow, then thieving, then disturbances, of all these you will have been the cause, they will have been begun by you. If therefore they do take place, I shall consider you as the guilty party and will punish you as such, you are the man that I shall hold responsible for what takes place. My advice to you therefore is that you should forthwith stop this evil and desire your people not to kill their cattle and destroy their corn."

To Moshesh.

September 27, 1856.

" My friend Moshesh.

Messengers have just arrived from Kreli to all the chiefs in this country desiring them in compliance with the orders of the false prophet to kill all their cattle and destroy all their corn. The object of this is to cause first starvation, then thieving, then war. This is the second time this message has been sent from Kreli's country. There is much reason to think that he is acting with your consent and under your advice. The first time the false prophet began his prophecies was in August, when your difficulties with the Free State were to be brought to a termination at the end of that month. The time for doing this was then delayed until the end of this month, then the rumours of these prophecies died away. Now again as the time for the closing of your arrangements with the Free State came on, the influence of the prophet suddenly revives and Kreli sends these messages to the chiefs in British Kaffraria to excite them. We have ascertained that you have sent frequent messages to Kreli.

" My friend, this does not look well. I have not acted so with you, I have not tried to create any difficulties or confusion in your territories. You must now convince me that you intend to act sincerely towards us. To show this, send forthwith a message to Kreli, telling him without delay to stop his people from killing their cattle and destroying their corn and explain to me what now looks so doubtful in your conduct."

The following statement, dated September 25th, 1856, indicating the trouble with which Moshesh was threatened was received from the Orange Free State. Its receipt was coincident with recrudescence of the mania for cattle killing at that time. " Our political affairs are now beginning to assume a much darker hue than hitherto, it has transpired that, at the last meeting of the Volksraad, permission was given to the President to declare war on Moshesh whenever he liked; consequently we expect it about the 10th of

next month (full moon) as this is the time given by the last deputation to Moshesh to deliver out all compensation claims and which I have no doubt he will be unable to comply with ".

The lull in the cattle killing in September was due partly to nothing extraordinary having happened at the full moon of August as had been predicted and partly to the affairs of Moshesh as already explained. But from the beginning of October until another lull in the following December the activities in this direction became fast and furious. Belief and confidence in Umhlakaza increased and spread farther afield with astonishing rapidity and many unbelievers were throwing in their lots with the believers. Some undoubtedly because they really believed and others because they feared the consequences of disobeying the prophet. This was the case of the Tambookies who were at enmity with the Amagcaleka (Kreli's people) and had no hostile disposition against the Government. Sandilli, who at first turned a deaf ear to the charmer, soon succumbed. On September 16th, Sir George Grey visited him and a satisfactory conference took place; Sandilli decided not to kill and to cultivate his lands. But that credulous vacillating and worthless chief was too easily influenced by bad advice. In this case he kept his word until a short time afterwards when he met at the Gwali two messengers who were on their way from Kreli to the chiefs Umhala and Pato. Their message was that Kreli had been to see Umhlakaza and had been shown a number of people who had disembarked at the mouth of the Kei and had announced themselves as people who had come to establish the independence of the black tribes. They reiterated the orders about the killing of cattle. Sandilli believed this and straightway ordered his people to kill, himself setting the example.

Pato, who had been such a staunch friend and ally of the Government during the late war and who had said that he would rather kill his own father than disobey the said Government, also commenced to kill and became a most unsatisfactory character. He had been provided with a plough and seed corn but now refused to make use of either. Even the exemplary Siwani had made an expedition to Umhlakaza. He there heard that the English were like stabled horses, that it was only necessary to put riems in their mouths and then they could be led anywhere. Siwani was of opinion that Umhlakaza's talk was as truthful and more acceptable than that which they heard from the missionaries and not so incredible as some parts of the Gospel. Siwani became a believer. It need hardly be stated that Umhala was on the side of mischief. Kreli when asked what he would live upon when all the cattle were dead said it was his intention to make war on the English; the cattle were to be killed so as not to have any to guard and thus to have more men to fight; it was no use cultivating the lands as the troops would only cut down the crops as they did in the late war.

The leading chiefs behaving in this manner, it is no wonder that so many of their deluded followers gave heed to the ravings of Umhlakaza. The cattle were disappearing in thousands and in spite of good rains promising abundant crops, the sowing season was allowed to pass without anything being sown. Starvation was closing in upon many and deaths from this cause were increasing; especially along the coast, where many were dying from dysentery caused by eating shell fish. The famished were digging for roots and even stripping the bark from the mimosas. Yet the faith in the prophet was in no measure decreased and messages from Kreli were implicitly obeyed. It must have been very mortifying for the poor and starving believers to see the wealth of cattle, many of which they themselves had parted with so cheaply among the unbelievers. Partly on this account and partly because the delay of the resurrection was ascribed to their refusal to kill, the unbelievers found themselves in a situation of such danger of attack and robbery that the Government found it necessary to protect them. They were congregated in the Idutywa Reserve. The work of the road parties, naturally, was interfered with. All Gcalikas returned to Kreli's country. The party working on the road from King Williamstown to Grahamstown was reduced from 112 to 3 and that to East London from 60 to 7. The men abandoned their work in a spirit of defiance and sang their war songs. Nevertheless during October and November there were, in all parts, 911 still employed. Hundreds of people now visited the wonderful girl Nonqause, hoping to see some miracle or get a glimpse of the people who were said to be rising from the sea. It must have been a difficult position for the poor girl who was really a cat's paw in the hands of the others. On one occasion (perhaps more than one) she gave a demonstration to a crowd which had gathered near the mouth of the Gxara. Pointing out to the sea beyond the breakers she cried out "Look there! see the heads of the people bobbing up and down on the water, and listen to the bellowing of the cattle," which was supposed to be audible amidst the roar of the waves beating upon the shore. Some were convinced while others declared they saw and heard nothing.

Mr. Brownlee moved continually among the people using every endeavour to dissuade them from their headlong and fatal course, but without avail. Reporting on January 4th, 1857, he said "Up to the present time I think not less than three or four hundred thousand cattle have been killed and wasted through the instrumentality of Kreli; and the enmity between believer and unbeliever can scarcely be kept within bounds."

At this time, January 1857, there seemed to be some turn in the tide of these miserable affairs. The continued delay of the resurrection and the numerous excuses which were advanced to account for it

were at length causing an increasing distrust in Umhlakaza and his prophecies. Capt. Lucas reported on January 7th that many kaffirs were becoming Amagogoty and regretting the loss of their cattle. Sandilli refused to obey Kreli's order to attend a meeting at Butterworth and he refused to kill any more of his cattle until he saw something of the prophecies fulfilled. Umhala, about this time, said, "I am afraid of Government and also of the prophet, but I have opened my eyes and given my word to cultivate." Even Kreli himself, on January 11th, was cast down and gave vent to his mortification in loud and violent lamentations that nothing miraculous had so far happened. This is curious and tends to show that whatever schemes he had in view, the prophecy of the resurrection could not have originated with him; he, in fact, seemed to believe it. He held another great meeting at the Holuta on January 20th. He said, "I have undertaken a thing of which I now entertain my doubts but I am determined to carry it through. I have a perfect understanding with the other kaffir chiefs. I am paramount and they are my counsellors; no one opposed me when I first did what I have undertaken. I consider therefore they have approved of what I have done. I have nothing against the British Government but should the Governor attempt anything against me, I have dogs that will bite. When there was war, I was anxious for the safety of my flocks, now I can fight and conceal myself without anxiety." With all this uncertainty and doubting on the part of the believers and the certainty on the part of the unbelievers that it was all humbug, the movement had yet very much life in it. A new impulse, a kind of final and despairing struggle was given to it about this time (January 1857). Another prophetess arose in order to give some corroboration to the bald and not entirely convincing narratives of Nonqause and Umhlakaza. This was a small girl, Nonkosi, a child of about ten years of age. She was the daughter of one Kulwana, a witch doctor, but her parents died of the starvation which was then brought about. The proofs that she was merely a cat's paw in the hands of the big chiefs were as satisfactory as could have been demanded by the most rigorous court of law. Though such satisfactory proofs were not forthcoming in the case of Nonqause, there can be but little doubt that she also was merely doing as she was told. Nonkosi was arrested by the police and brought before a Special Court of Investigation at Fort Murray, first, on October 23rd, 1857, and then on January 14th, 1858. On the first occasion she was frightened and only with difficulty was anything obtained from her and then it was great nonsense, such as having been taken to a country below the earth where there were innumerable herds of cattle. But on the second occasion when she was assured that no harm would happen to her if she spoke the truth, a percentage of her statements did then contain a modicum of truth. The account she then gave was that, one day she was playing at the edge of a vlei

(large pond) near the Umpongo river, at no great distance from King Williamstown, she was startled by seeing the head of a man suddenly rise from the surface of the water. Frightened, she ran away, but went the next day when the head again appeared. The man spoke to her. He said his name was Umlanjeni and that he had risen from the dead to come and put the country right. He then went down under the water and other heads came up at different places but not simultaneously. They also spoke to her. They said they were Pato, Hintsa, Gaika and others and they all gave the same injunction, namely, that she and her girl friends, for she took some on the second visit, were to go and tell all the people that their long departed chiefs had come to life again and ordered them to kill all their cattle. Nonkosi in her evidence further said that she saw the horns of cattle appearing among the reeds at the edge of the vlei and heard the bellowing of the animals; fire, she said, came out of the water and burnt some huts which were standing near. The news of all this spread and many went to see her and hear the news from the vlei. But they were not allowed to go near and all the communications with the invisible beings could only be through the girl. Umhala made frequent visits and was inordinately interested in the proceedings in the vlei. Sandilli also went and was anxious to know whether he would ever get back again the country from which the English had expelled him. Thus at this time the glory of Nonqause was overshadowed by that of Nonkosi.

The most important and undoubtedly trustworthy witness has yet to be heard. He, as will be seen, threw light on the whole movement from beginning to end and exposed the wicked trickery which had been played upon the unfortunate people. Kreli, during this January, sent two messengers to Umhala urging him to do what he could to keep alive the waning excitement. Umhala, only too willing to act in this direction sought the assistance of an equally willing and favourite counsellor, named Kwitchi, a man admirably fitted for the part he was to play. He also was arrested and, in due course, brought before the court on November 12th, 1857. When, so to speak, the game was up and nothing was to be gained by hiding anything, he made an extremely interesting, valuable and unblushing confession.. He it was who was in the water at the vlei impersonating Umlanjeni, diving and coming up at different places as a risen great chief and imitating the bellowing of oxen. His account is far best told in his own words, here they are " Umhala spoke a long time with me, he said that I was to tell Nonkosi to say that she had seen chiefs, people and cattle at the vlei and that I must induce the little girl to talk very much about what she had seen and tell the people that when they had killed their cattle a great many would rise and that she was told this by Umlanjeni. It was not known by the people that Umhala had put me up to tell Nonkosi all she said. I never myself believed that people or cattle

would rise. I frequently said so to Umhala, but he answered that he was not hoping for *that*, it was only a plan for driving out all the English from the country and taking possession of their property. Umhala often went himself to Nonkosi. He told her not to get tired in making known to the people all that she heard and saw at the vlei and that she was often to go there. He (Umhala) told me to tell Nonkosi to say that she had seen cattle and heard them bellowing at the vlei and that she had also seen chiefs arising out of the water, that I was to personify the various chiefs and imitate the bellowing of cattle. I went to the vlei as Umhala desired. I concealed myself at the edge of the vlei among the rushes and held up a pair of horns in my hands, lifting them sufficiently high to allow Nonkosi to see them and thus walked about among the rushes bellowing. I also dived appearing out of the water at different places and calling out 'We are rising, we are the people who died.' Whenever I was alone I could not refrain from laughing when I thought of the deception I practised at the vlei and I often roared out 'are the kaffirs such fools as to be thus deceived.' At Umhala's request I burnt the huts belonging to Nonkosi and told her it was done by the fire of the people who were to rise.

"Umhala told me that his object in all this was that no Englishman or anything belonging to him should remain in the country. I declare positively that the object of all this was war against the English. The plans formed in my hearing were that all the cattle were to be killed by their people, which would induce them to carry off cattle belonging to the English and thus bring on a war. The Government had deprived them of their country and they were determined to have it back. All chiefs were equally anxious for war. They agreed to commence by leaving this country open and locating themselves in the more bushy parts. The Gaika chiefs headed by Sandilli were to meet at the Amatola and commence by carrying off the cattle from the Keiskamma Hoek post; the Ndhlambi chiefs headed by Umhala were to occupy the Lynx Bush (near Fort Pato) and Kreli was to enter Queenstown. These plans were upset by the people not all destroying their cattle at the same time, some were starving while others were still in possession of cattle and thus were the tribes unexpectedly broken up and the people scattered among the English and Fingoes in search of work."

In spite of all the assurances and excuses on the part of the leader in these affairs, the demand for the resurrection became louder and more insistent. The promises had reached a stage when it was no longer possible to maintain further delay. It was announced therefore that the moon of February (the 18th) 1857 was the appointed time. Great and vigorous were the final preparations. Huts were rethatched and strengthened to withstand the expected violent gale; corn pits

were cleaned ; old shrivelled and emaciated women, in the last stages of starvation put on all their ornaments and finery in the hope of the promised renewal of their youth and more than half dead from hunger were buoyed up by the hope of the coming plenty and the end of their sufferings. The average of the various predictions which were to be fulfilled on that momentous day was that a blood red sun (some said two) would rise. It would ascend a certain distance in the heavens then return and disappear again in the East. This was to be followed by great darkness and a violent gale of wind. Then the acme of all would happen. The graves would open and give up their dead, countless herds of cattle would cover the plains and the corn pits would be filled with good fresh corn. Thus were all watching for the first signs of a coming day on February 18th, 1857. They saw the East become brighter and brighter announcing the nearer and nearer approach of another day's sun. There, at length, it was, in all its splendour, above the horizon ; but it was of the usual colour, it was not blood red. With misgivings and sinking of hearts they saw it travel its course across the sky and finally set in the West. There had been neither darkness nor gale and, far worse, there had been neither cattle nor corn. Now the unhappy creatures saw with horror, that they had been duped. Hope and strength gone, they lay down in thousands to meet the deaths with which they had been face to face so long. These with any remaining remnant of strength now sought the aid which had been held in readiness in view of this calamity. But so many were too far gone to reach it and died in hundreds by the way. Others when they did reach food, ate so voraciously as to fall dead immediately afterwards.

The chief haven of rescue and supply was King Williamstown. But all the magistrates in British Kaffraria were instructed to issue what help they could. This consisted of a ration of one pound of meal and a quarter pound of meat daily. The funds for this were derived partly from Government and partly from private subscriptions. In anticipation of this famine the Government had purchased large stores of grain and spent £800 in cultivating land in the Crown Reserve. In King Williamstown a Kaffir Relief Committee was formed. It did great good work, but it was small compared with what was necessary to cope with the vast damage which had been done by the delusion or fraud. The total number of starving natives relieved up to February 28th, 1858, that is a year following the bursting of the Umhlakazain bubble, was 26,104 at a cost of £2,661 10s. 6d.

During this time the scenes in King Williamstown were dreadful. The dead and dying were lying about in the streets and in the immediate environs. Dr. Fitzgerald, writing in one of his reports, for August 3rd. said, " I found six dead bodies about two miles from

town on the Peelton road yesterday. I found one on the bank of the river, two more were picked up by the police beyond Mr. Brownlee's and within the last ten days there have been fifteen deaths from starvation in the town itself. Not a day passes that bodies are not picked up in an emaciated and dying state." There were those who, having for a time subsisted on roots (1) and mimosa bark, had just managed to reach King Williamstown. But the numbers which had fallen by the way must have been appalling. Mr. Brownlee, the commissioner at Stutterheim, tells us that of a party of 32 which left that place for King Williamstown, 16 fell along the road. The Government offered half a crown to anyone who should come across a dead body and bury it. A partial solution of these difficulties was the demand for labour there was in the Colony. Those therefore who were strong enough or who had been sufficiently revived by food were sent into the Colony where they found immediate employment(2), some were shipped at East London for Cape Town. Up to October 1st, 25,233, men, women and children were registered and thus disposed of.

With reference to the number of persons who must have died of starvation, it is stated that, on January 1st, 1857, the total number of native inhabitants in British Kaffraria was 104,721; on December 31st of that year the number was 37,697 a difference of 67,024; of this last batch 25,233 were sent into the Colony. According to this 41,791 must have perished. But this was by no means all, for it does not include those who died in Kreli's country which was not under British jurisdiction and in which no census was taken. The number of deaths was most probably greater as starvation there set in earlier than it did in Kaffraria in consequence of the implicit belief in Umhlakaza in the first stage of the delusion. It would be rash to suggest the extent of the mortality in that country. Strange as it may sound, all this suffering and the non-appearance of the wonderful things which were to happen did not entirely dispel the faith in Umhlakaza. Umhlakaza himself died of starvation about December 1857. There were feeble attempts on the part of others to assume his mantle. In May 1858, one Tsimbe appeared at Kreli's Great Place. His object seems to have been to persuade the Tambookies to kill, as those people had not been greatly influenced by Umhlakaza.

(1). Umsengi is mentioned as the root on which they fed.

(2). Mr. Southey to Col. Maclean April 3rd 1857. "All the Kaffirs sent in here (Grahamstown) for service have been greedily engaged at fair wages and there is a great demand for more. Public companies at Port Elizabeth want 130 at two and six to three shillings per day—you may send as many as fast as you like. Albany will absorb two thousand more. Cradock, Somerset and Graaff-Reinet will take ten thousand; you need be in no fear of overdoing it. The last two batches of a hundred each were taken up on the day of their arrival."

For statistics on this matter and much very valuable information on the whole affair *vide* Vol. 95, Letter of Chief Commission of British Kaffraria. Archives, Cape Town.

Among the Tambookies themselves he had an accomplice named Umbombo. There was another girl Nobanda, a companion of Nonqause who used to accompany her "To hear the voices." She effected little as she had no Umhlakaza behind her. Near Fort White there was a promising prophet, Telletelle, who had "A cow in his belly which bellowed". It was proved that he was acting in concert with Kreli (even at this late day). He effected little as the King Williamstown gaol cut short his activities. In February 1858, Kreli having heard that the Government intended to arrest him was on the alert and fled to the forest country in the vicinity of the Bashee River. Nonqause went with him. No attempt to arrest Kreli was made. This, perhaps legally, could not have been done as he was not a British subject and his offences had been committed outside British territory. But not so with Nonqause, who also was not a British subject. She was followed and arrested. On February 24th, one Umjuza, with fourteen others was sent by Major Gawler, the Resident Commissioner, with Umhala, to capture her. This was effected. She was examined as to her part in the fraud, and though no formal charge was brought against her she was sent for a time a prisoner on Robben Island(1).

Nothing seems to have been done to either Kwitchi or Nonkosi. Towards the end of 1857 the chiefs concerned in all this made some show of contrition for their guilt and anxiety to come under British rule. On September 11th, 1857, Sandilli went to Col. Maclean, confessed his sins and promised better behaviour in future. He was reminded that he had said the same things after both the wars of '46 and '50, yet he had been as serious a nuisance as ever. As will be seen Sandilli, true to his instinct, remained a nuisance until he was shot in the war of '77.

Kreli, in October, met Mr. Crouch a trader who acted in a semi-official capacity between him and the Government. He (Kreli) made the following confession and appeal:—"I this day, in the presence of my brothers and counsellors, ask forgiveness of the Governor for what I have done. I have fallen, I and my family are starving. I ask help from the Governor to save me from dying. I this day place myself in the hands of the Governor, I am willing to come to any terms the Governor may think fit to dictate to me. I wish to be subject to the Governor. I ask the Governor to help

(1) It is curious that this man Umjuza should have been so active against the prophets and prophetesses, for he was the son of the famous witch doctor, Makanda (Makanna Lynx), who brought the native hordes against Grahamstown in 1819. In a conversation which the author had with some who remembered those times, he learnt that the name of Nonqause became so detested by those who suffered and survived, that she found it better for herself to change it. She took the modest name of *Victoria Regina*. Her name, Nonqause, has given rise to a Kaffir proverb "Uteta injenga Nonqause." "You talk like Nonqause." It is applied to a person who talks about things which are not likely to happen.

me with a plough, oxen and seed, I also ask the Governor to assist me with food for my family and those of my brothers. If he does not assist us, we must all die of starvation. I this day place myself entirely in his hands, I beg also the Governor would send me a missionary, and if it could be done, I would request Mr. Garner to be sent." In token of his sincerity (most probably only temporary) he signed a document and made all his brothers and counsellors do the same. In estimating the depth of this sincerity it is as well to hear of Mr. W. B. Chalmers, a magistrate who knew the people well. "The news of the war in India (the Mutiny) is talked of throughout the country. It is reported that all the English troops had gone to India from England, but were so overpowered by the Indians that all the English troops had left the country (Cape Colony) for the purpose of assisting their countrymen. They (the Kaffirs) only regret that they are in such a state of destitution, that while their race is overpowering the English in India, the Kaffirs are unable to follow up the success and fall upon the English in this country. Kreli had not abandoned schemes of war."

Umhala who, next to Kreli, had been most instrumental in bringing about all this terrible state of affairs, was arrested on June 22nd, 1858. He was then in hiding in a place surrounded by immense rocks and bush at the junction of the Kabousie and Izincuka rivers. Umjuza, again made the arrest. Umhala showed fight, but in the end he was knocked down, overpowered and seized. He, with two others Noawi and Kinte, were tried by a Special Court which sat in King Williamstown on September 23, 1858. The charges were, "that some time in 1856 and 1857 they did imagine, devise and intend to levy war against the Queen and deprive her of certain of Her dominions in Southern Africa, manifested the same by several overt acts, about the month of May 1856, received and countenanced one Maxembella an emissary of Kreli, the bearer of secret political messages from Kreli, to the effect that Kreli had seen his father Hintza and his father gave him an assegai to kill his cattle with. Kreli's orders to Umhala were the same that he was to kill all his cattle in his country and when they were all gone they would take the cattle from the English if what the girl said did not come true. The meaning of the message being that the said Umhala was to levy war against the Queen. Also by holding a treasonable meeting in his hut, that in driving out the Government, Kreli was to fall upon Queenstown, Umhala to take the centre such as King Williamstown and Pato the coast." The verdict of the court was that Noawi was not guilty, but Umhala and Kinte were. They were sentenced to five years imprisonment on Robben Island. The erstwhile faithful Pato also found himself a prisoner on the same lonely isle. Not in connection with the above charge however, but for receiving stolen property. Others of less note

were incarcerated for a time in either the King Williamstown or East London gaols.

Thus ended one of the most extraordinary incidents in the whole of our South African history. Terrible as it was, it was something of a blessing in disguise. For the tribes became so depleted, so many of the starving creatures made permanent homes in the Colony, and the chiefs lost so much of their influence that frontier Kaffir wars became things of the past. After this time there were no wars such as those of '35, '46 and '50. True in Kaffirland itself there was the war of '77, but that was a tribal affair between the Gaikas and Gcalekas. In this the Colonial forces took part, not for any purpose of conquering either but for the restoration and maintenance of peace. And the Basuto disarmament war of '81 was also more of a tribal fight between loyal and disloyal natives than any attack or intended injury on the Colony. The final result of the cattle killing delusion of 1857 was to commence a new era in the history of the relations between black and white.

For Authorities in this Chapter.

The volumes of the letters of Col. Maclean, the chief Commissioner of British Kaffraria, in the Cape Archives.

The despatches of Sir George Grey to the Secretary of State.

The account of the cattle killing in Reminiscences of Kaffirland by the Hon. Charles Brownlee.

"The Life of Tiyo Soga," by Mrs. Chalmers.

The Blue Books on the Votes and Proceedings of Parliament for 1857 and 1858.

CHAPTER II.

GERMAN IMMIGRANTS IN BRITISH KAFFRARIA.

In a measure, the dreadful cattle killing delusion was also beneficial in other ways, for it paved the way for the Kaffirland developments which even then were in progress but which, for a time, were, on this account held in abeyance. The great diminution of the native population, the imprisonment on Robben Island of some of the most mischievous and dangerous chiefs and, perhaps it may be said, the recognition on the part of the natives as a whole, of the good will of the Europeans in saving them from the consequences of their folly, rendered it easier to bring about the great change which was inaugurated by the Order in Council of December 14th, 1850, whereby those native territories were to become, first, a province independent of the Colony and then finally (though not anticipated in this Order) annexed to it. As has been pointed out, Sir George Cathcart's policy was to make British Kaffraria a separate province and to hold it on a purely military tenure, paying no attention to the development and civilisation of the natives. Sir George Grey, on the other hand, objected to this, partly on account of his concern for the natives and partly because it ran counter to his view, that it was extremely undesirable to create separate governments in countries bordering upon the Colony. He was at this time grieved and indignant in that the British Government had abandoned the Orange River Sovereignty and created the Transvaal Republic. There were growing in his mind those ideas of federation which eventually got him into trouble. He wished to see British Kaffraria a part of the Colony and under the same legislature and jurisdiction. "This country," he said, "is separated from the Colony by only a small stream which is fordable anywhere in its entire length, it contains only 1,200 Europeans, 626 of whom are in its capital—the remainder are at military posts or mission stations; but it has a Kaffir and Fingo population of 90,000; it contains 3,050 square miles, not a third the size of an average district of the Colony, managed by a Civil Commissioner at £500 per annum. The cost of the Executive Council it is proposed to create in British Kaffraria would not be less than £5,000 per annum, and such a council would be unsatisfactory to the people, for its members would not be chosen by themselves, and the creation of such a government would appear indefinitely to postpone the chance of their obtaining representative constitution or becoming incorporated with the Colony. I conceive that our policy is clearly to let British Kaffraria at the earliest possible period lapse into Cape Colony as one of its smallest

divisions." Though not in Sir George Grey's time, this actually came about. In the meantime, acting under the Governor, Col. Maclean ruled the country as Chief Commissioner and its development went on apace. The great desideratum was an increase in the European population. To this end various schemes were suggested. The idea of introducing military pensioners, as has been shown, was a failure. Another expedient, of a somewhat dangerous character, was suggested at the beginning of 1854. The merchants of King Williamstown abetted by those in Grahamstown moved in the matter of endeavouring to introduce convicts as labourers into the country. A public meeting was held in King Williamstown on December 30th, 1853, in order to draw up a petition to the Governor for that purpose. In view of what had happened in 1849, this created some stir. Col. Maclean himself believed that, generally speaking, the introduction of convicts had been the means of raising other colonies into importance and that policy might possibly be of great advantage to this country if it were properly carried out, though he acknowledged it was hazardous in a country where none but chain gangs were practicable for their safe-keeping. He argued that the introduction of convicts was no worse than the kind of people who invade a country on the discovery of gold, which brings a train of crime, vice and social corruption. On the whole, however, bearing in mind the anti-convict agitation of 1849, he thought the matter had better be dropped. It seems to have been so.

Without unduly anticipating, it may be said there was something of the nature of such an alarm in this connection in 1860. In March of that year, a vessel, the *Lord Raglan*, arrived in Table Bay from Western Australia. Twenty-eight steerage passengers were landed. They were believed to be convicts who had been sent to Western Australia and had received conditional pardons. There does not seem to have been any proof that they were. Instantly there was great excitement in Cape Town ; exaggerated statements with reference to the Colony becoming a penal settlement were spread in all directions, and a recurrence of the events of 1849 seemed imminent. The Commissioners of the Municipality met on the same day and sent a letter to the Acting Governor, Gen. R. H. Wynyard (Sir George Grey at this time was in England) calling upon him to expel these men forthwith. He could only reply that he had not the power to do so. This reply being unsatisfactory, he received another letter calling upon him to bring a Bill before Parliament declaring the landing of such people illegal. As in the case of Sir Harry Smith, General Wynyard sympathised with the people and was greatly opposed to making this Colony a penal settlement. The desired Bill was brought before Parliament. It was presented to both houses, passed without amendment and signed by the Acting Governor on May 14th.

It was promulgated and published instantly in an Extraordinary Gazette(1). While this was in progress, another ship from Western Australia, the *Dolphin*, was seen making its way to the port. The Collector of Customs hurried off to the ship with a copy of the Bill for fear there should be any of the convict class on board. It was found however that there were none. Now that the Colony had its own government, there was less likelihood than ever of its ever becoming a penal settlement. So British Kaffraria had to look in some other direction for an increase in its population. Fortunately for the partial solution of this problem, there were at this time some favouring circumstances. There was in England a great number of German soldiers who had been enlisted in British interests, but for whose services there ceased to be any demand. They had either to be sent back compensated to their own country or some employment found for them in British territory. The peopling and protection of British Kaffraria appeared to be just the occupation for which they were fitted. Hence some hundreds were sent out as the British German Legion. A full account of them is dealt with further on. But a more satisfactory procedure for settling and developing British Kaffraria was that of occupying, by industrious and experienced European farmers, the depopulated and confiscated lands which Sir George Cathcart had previously assigned to Maqomo, Bolman, Umhala and Pato as their locations. In these well watered and grass clothed regions two hundred farms, each of fifteen hundred acres, were plotted. They were to be assigned to a hundred applicants from each of the Western and Eastern Provinces. Except for the annual payment of a quitrent of £2 per thousand acres and the survey expenses, the farms were to be granted free. The grantees were to be not more than forty years of age, fit for active service and possessing sufficient capital to commence stocking and improving the lands, and they were to undertake to reside in person and continual occupation of their places for three years, at the expiration of which time they were at liberty to sell them if they desired to do so. There was great demand for the farms on these conditions. Local Boards were formed to receive and recommend applications. There were so many approved applicants in excess of the number of farms to be granted, that the question in the case of each had to be settled by drawing lots in the office of the Surveyor-General in Cape Town. Natives also were given title deeds to lands. In this way they became more independent of their chiefs and less likely to join against the Government. This was contrary to usual Kaffir custom where a whole territory was held in common. In this way was made the first real step in raising Kaffirland from a state of barbarism and uselessness to a valuable and progressive part of

(1) Act No. 1, 1860. An Act to prevent the introduction into the Colony of the Cape of Good Hope of convicted felons and other persons sentenced to transportation for offences against the law.

civilised South Africa, and in securing peace by occupying the country by a carefully mixed population of European and trustworthy natives, each race being located in parts best adapted to its respective mode of cultivation. The increasing population of British Kaffraria and the consequent growth in enterprise, industry and trade necessitated the development of the two former military posts, King Williamstown and the embryonic East London. There was soon a demand for building lots in both places and at the sales of them comparatively high prices were obtained. At King Williamstown, in March 1857, 35 town lots were sold for £1,831, that is at the rate of £406 per acre. By December of that year £6,238 were realised in these sales. In that year also, at East London, which was only just commencing as a township, a few building erven fetched £1,872. Sir George Grey hoped that these and other sums raised on the sale of lands might be used in getting out immigrants from England but the British Government decided against it, and determined that such sums should be used in defraying the expenses of maintaining British Kaffraria. King Williamstown at that date had already made something more than a start. There were several houses in well defined streets; there were two churches, the Anglican Trinity Church, which was opened for use on February 20th, 1856, and the Wesleyan Church. There was the Grey Hospital which cost £16,782 6s. 5d. in spite of much of the rough work having been done by the military; it was recognised by Dublin University and the Royal College of Surgeons as a place fit for medical study. There was also a school and a new gaol. Then shortly, when British Kaffraria became a separate and distinct province with its own government, King Williamstown (in 1861) became a municipality and in 1862 it had its own Supreme Court and its Attorney General and Deeds office (*Egonce malicume*). The population of British Kaffraria on December 31st, 1858, was, natives 38,559, Germans 1,154, other Europeans 2,994. In 1861 it was 6,705 Europeans and 81,353 natives.

East London at this time had barely made a start. As has been pointed out, to avoid the difficult land journey from Port Elizabeth to Kaffirland during the '46 war, troops and military stores were landed at Waterloo Bay on the eastern side of the Great Fish River mouth. But that place proving unsatisfactory and dangerous, attention was turned to the mouth of the Buffalo River, where there seemed to be a promise of greater safety and convenience. The promise, though perhaps only in small measure, was fulfilled, and the mouth of the Buffalo became destined to become a flourishing port in that part of the South African coast. In April 1847, near the western bank of the river, as an indication of the coming prosperous town of East London, a fort, Fort Glamorgan, was built. It is still standing. At the conclusion of the '46 war, the place was not abandoned. Sir Harry Smith, who had become Governor, gave the

place the name of East London and by proclamation of January 14th, 1848, decreed that it should be considered a port of the *Cape Colony*, though it was far distant from the nearest part of the colonial boundary. The object of this was to prevent the evasion of customs duty on goods landed there. Eleven years later, however, on July 13th, 1859, when British Kaffraria had become a separate province, this was revoked, and British Kaffraria could enjoy the large sums of customs monies which had been going to Cape Town.(1)

As a commencement of the development of the new port, Sir Harry Smith, in 1848, ordered a Harbour Commission to be formed for the purpose of investigating the possibilities of the Buffalo mouth. The report on the whole was unfavourable. The best the government engineer could suggest was the erection, at the modest cost of £1,500, of a jetty, which would facilitate the landing of cargo. But if the expenditure of that sum should be considered beyond the means of British Kaffraria, he recommended a jetty erected by military labour which would cost only £35. He added, however, that such a jetty would be washed away by the first storm. Nothing was done. The township itself commenced in a modest, it might almost be said, ultra-modest manner. We find Mr. Roper, the magistrate, in 1848, asking that £6 might be spent on the purchase and repair of a hut for the purpose of providing him with an office. A few shillings annually, he said, would keep it in repair. In June 1853 the wattle and daub of this hut had protracted its existence to the last limit, then East London became possessed of a magistrate's office which cost £110 19s. 1d. The gaol and police force were in keeping with this office. So insecure was the wattle and daub prison that the prisoners, for security at night, had to be chained together. They could not have been more secure during the day as the total police force consisted of two constables who, in justice to them, it must be said were quite frequently sober. We find Col. Mackinnon complaining of the difficulty of finding any man sufficiently respectable to be a constable. In the cases of drunks, those who could pay were fined, those who could not were let off because of the want of accommodation in the prison. In this year, 1848, eight general and traders' licences were issued, so trade must have made a beginning. Such was the state of East London until after the '50 war. During that war, in spite of the difficulties and dangers of surf and rocks, East London was of immense importance. For instead of landing troops and stores at Port Elizabeth and then taking them over the long and difficult route through Grahamstown to King Williamstown, they were put on shore at the Buffalo mouth, whence there was a short and level road, protected

(1) Return of Customs during the years 1855, '56, '57 and '58 were in this order: £25 1s., £43 13s., £4,226 11s. 5d., £1,569 3s. 10d. What British Kaffraria would have received had it been a free port during these years would have been: £11,040 1s., £25,939 13s., £45,935 11s. 5d., £22,082 3s. 10d.

by the chief Pato and his tribe, to the military headquarters. In 1853 a real spurt was made both in shipping and commercial directions. As there was no jetty and a beginning of the harbour had not been made, the Imperial government established a system of wharves and surf boats. This was primarily in connection with the military occupation and only when not thus required could they be used by the commercial community. In that connection the system was unsatisfactory in the extreme. Ships, at times, were kept at the anchorage for months before they could receive attention, and then the cost of landing the cargo was £2 per ton, a sum which raised the question that after all the land journey from Port Elizabeth might be cheaper. In 1857 one vessel with a cargo for East London was reported as having ridden at anchor for two months and eventually went to Port Elizabeth and unloaded there. This same gentleman remarks "There are vessels in port now which will be here four months longer before they can receive any attention. No port can prosper under such circumstances." In May 1857, in the interest of trade, encouragement was offered by the Government to the public to start private surf boat establishments. This seems to have been done and to have met with success. Some time afterwards, in 1864, Earl Grey decided that the expense of the military surf boat establishment could no longer be provided for in the Army estimates, that all the plant and stores should be handed over to the country free of charge, but that all troops and stores required for the defence of the country must in future be landed duty free. But by that time considerable progress had been made in the building of the harbour and a new régime of landing cargo came into being. This great work was commenced in September 1856, when a number of Kaffirs, reinforced by a party of the 89th Regiment, commenced excavations, put up workshops, offices and other buildings and opened quarries. The estimated cost of the whole work was £110,974 5s. 0d. The amount expended up to July 31st, 1858, was £9,642 4s. 0d. From then progress has been continued until East London has the fine port which we see to-day. But to return to the problem of increasing the European population of British Kaffraria. A partial solution, arising out of the termination of the war with Russia, presented itself. In the prosecution of that war some thousands of Germans (with a small intermingling of French) had been enlisted on the side of Great Britain. When their services were no longer required, the British Government found itself embarrassed in having this vast number of foreign mercenaries upon its hands. They were congregated in a huge camp at Colchester in Essex. According to their terms of enlistment in the British Army, they were, on their discharge, to receive a year's pay and a free passage to either their homes on the Continent or to North America. At this time, 1856, as has been shown, Kaffirland was thrusting itself on the attention

of the authorities. The cattle killing delusion was commencing and the Kaffirs were becoming markedly more insolent and daring, the sign of an intended outbreak. General Jackson, the officer commanding on the frontier, was in alarm—he most usually was—and begged that further reinforcements should be sent to him as well as a regiment brought from Mauritius. It seemed, therefore, that there was an opening for the unwanted men of the German Legion in which they could be of great use in the bi-partite capacities of protectors of the frontiers and settler-cultivators of the soil. Mr. Labouchere, the Secretary of State for the Colonies, writing to Sir George Grey on March 25th, 1856, said "There is now every prospect of a speedy conclusion of peace and it becomes a question how the officers and men of the Anglo-German Legion can most properly be disposed of. It has occurred to Her Majesty's Government that some of them might, with advantage to themselves and to the Colony, be established on the frontier of the British possessions in South Africa." In order therefore to escape from its embarrassment and free itself from a portion of the military expenditure to which it was subjected in defending South Africa, the British Government suggested to the Cape Parliament, the propriety of their voting a sum of money in aid of sending out from England eight thousand men with their wives and families. The Cape Parliament acted upon this and voted £40,000 in order to start the movement and six or seven thousand per annum for a few subsequent years to maintain it. As far as the men were concerned, it was perfectly voluntary on their part to go to South Africa; there was no military compulsion of any kind. The only force which was to move them was their desire to reap the advantages and blessings which they were given to understand would descend upon them in that distant clime.

In order to gain some information about the natural features and capabilities of British Kaffraria, to discover how far it might be protected by the disbanded Germans as well as to make the necessary arrangements for their reception, a Major R. Grant and Captain Hoffman, on behalf of the Germans, were sent out to the Cape. They arrived on May 30th, 1856. Accompanied by Sir George Grey, they made an extended tour, and having gained all the information which was considered necessary, they returned to England.

Captain Hoffman must have given a very picturesque and glowing account of what he had seen in South Africa. From the pulpit of the garrison church in Colchester the congregation listened to accounts of the glorious good things which awaited those who transported themselves thither. They heard of the large and prosperous colonial town where there was plenty of employment at good wages; living was cheap and Crown lands were to be bought at two shillings per acre; there was even partridge shooting for the officers! British

Kaffraria in short was an earthly paradise. It all reminds one of the allurements which induced the British Settlers to go out to South Africa in 1820. The result of all the propaganda was that only about 2,300 men out of the hoped for eight thousand volunteered. However, that was a goodly and useful number (regarded merely as a number) for the purpose in view. These men, in due course, were marched down to Browndown near Portsmouth, where they were to embark for Kaffirland. On November 5th, 1856, Mr. Labouchere, Lord Panmure, who was Secretary of State for War, and some other great men went to make further and final arrangements for sending forth the Germans. They appointed Baron von Stutterheim to be in full command and Col. Wooldridge his second in command. The articles of agreement between the British Government and the men were, in short, that they should serve for seven years as military settlers; resist the attacks of an enemy and aid the civil power; attend the military exercises for thirty days in each year and muster every Sunday for church parade. This was for the purpose of control and general communication of orders. Even if there was no service they were to muster, fines varying from seven to thirty days pay for unauthorised absence to be inflicted. They were to receive free passage to the Cape; free rations for themselves and families for a year after landing: half pay for three years and an acre of land on which to build themselves a house; the right of grazing on the commonage and sums of money varying from £150 in the case of officers to £18 in the case of privates towards the building of their cottages. The cottages and grounds were to be rent free and at the end of the seven years they were to be their own property. Further, £5 were to be advanced for the purchase of tools and cooking utensils. With the men a number of junior officers, presumably young men of better education, called gentlemen cadets, were allowed to go. Though of course, not specified in the formal terms, there was the very important duty of settling down as farmers and developing the natural resources of the country. But to this end a very necessary matter had been entirely overlooked. By far the greater number of the the men, in fact it might be said all the privates, were unmarried. It could not be expected that such would settle down contentedly as working farmers. Without the ties of home and family, men of far more steady character than these would have been failures under these circumstances; apart from the fact that they were handicapped by being compelled, at the same time, to perform military duties. Much more likely would they wander about, get into mischief and become a nuisance and danger to the community. So, late in the day as it was, the only procedure which could be adopted to rectify this was to induce—it might almost be said, to order—the men to find wives before they embarked. In compliance with this many of the soldiers very soon found ladies to their liking and after courtships lasting

in some cases as long as a week they decided to marry. In consequence of the hurry in which this great matrimonial affair had to take place, the weddings were of a somewhat unique character. At the small church at Browndown near Portsmouth, a crowd of men with presumably the same number of women were collectively joined in wedlock in one comprehensive service by the Lutheran pastor. Ths Bishop of Rochester afterwards protested against such a wedding as this in his diocese. He wrote to Mr. Labouchere pointing out the future troubles which were likely to arise when questions as to the legality of these unions were raised. Some of the men were married in Colchester while others waited until they were on board and then were married by the Lutheran pastor in the ship's hospital to the girls whom they had brought with them. The total number of wives of the non-commissioned officers and privates who eventually arrived in South Africa was 331. But there were 139 children, hence some of the men must already have been married before the general military matrimonial order.(1)

(1) The author had the privilege of a long interview with the Rev. Pastor Gutsche, of King Williamstown. Although Mr. Gutsche did not arrive with the German Legion, he reached King Williamstown shortly afterwards and was soon well acquainted with the whole history of the movement. Referring to the way in which the Legion was formed in the first place, he mentioned the following as a typical case. A Swiss watchmaker of Strasburg went into a beer hall, where he met a doctor's coachman. The coachman was undoubtedly in league with a recruiting officer. The poor watchmaker was supplied with drink until he was quite drunk. When he came to his senses he found himself in Paris with the Queen's shilling in his pocket. Unsuccessful in his attempt to escape, he was taken eventually to the large camp at Colchester. There he was well treated. With regard to the officers who were so willing to join the British Army, there was so little chance of promotion in their own country, many having been in the German Army for years without any prospect of advancement—that Russia, France and England held out their attractions. There were secret agents in Germany, who, on behalf of the British Government, interviewed likely men at night time. Those who decided to take service were conveyed by stealth to Heligoland until a sufficient number were collected, when they were taken across to England. Some did go out to Constantinople but were too late to see active service as peace was declared. These men were given the option of going out to South Africa. As these people knew nothing about the country, two German officers, a Capt. Hoffman and Surgeon Reinhold, determined to go out to the Cape to see what sort of a place it was. They were shown the beautiful Peninsula, Wynberg and such places. They were charmed and seemed to have thought that all South Africa was like these parts. They returned with glowing accounts of the country. Some of the officers who came were Captains Von Brandis, Schermbrucker, Baron de Fin and others.

Mr. Gutsche described the comprehensive wedding in Browndown Church. He said that a German officer who was present pointed out to the parson, the Rev. Wilman, that one man at least had got hold of the wrong woman's hand. " Don't trouble " said the parson, " they can sort themselves out when they get outside." Twelve years afterwards, said Mr. Gutsche, one of these men, a parishioner of his, went to him and said he had conscientious scruples with regard to the woman with whom he had been living; he did not think she was the woman he had married in England. Nothing, however, could be done.

To dispel such doubts as these and to obviate the difficulties arising from the haste in which these marriages were contracted on the eve of embarkation, the Colonial Government, on June 29th, 1857, promulgated : " An Act for removing doubts regarding the validity of the marriages of certain military settlers." According to this, the Governor was empowered, on receipt of a correct list of the contracting parties, to publish the same and to proclaim them legally married.

In due course, all these people, Germans and English wives, embarked at Portsmouth on seven vessels. The *Sultana* left on November 11th, 1856, the *Culloden* on the next day, and in the course of the ensuing week these were followed by the *Abysinnian*, *Mersey*, *Vulcan*, *Stamboul* and *Covenanter*. The *Sultana* arrived in Cape Town on the last day of December 1856 and the last of the vessels on February 9th of 1857.

The total number of individuals who landed in South Africa were :—

Officers	59	Women, officers' wives ...	30
Gentlemen cadets	43	Wives of N.C.O.'s and privates	331
N.C.O.'s rank and file ...	2,260	Officers' children	56
	——	Other children	139
Total men	2,362		——
		Total women and children	556
			——
Grand total of all individuals			2,918
			——

After calling at Cape Town the vessels continued their voyage to East London, where all were landed. Preparations had been made for their reception. Surf boats were got ready and a number of Kaffirs had been employed in cutting poles and collecting thatch for the purpose of making some sort of temporary shelter for the new-comers until they could be taken to the parts of the country which were to be allotted to them. There were two depôts, if such they might be called, where the people were collected before being distributed to their respective posts. One was on the outskirts of East London, while others were at Fort Murray and a place called Wooldridge—named after the officer second in command—situated near the old Beka mission station. They must have had sparse shelter. However that did not much matter, as it was the hot weather of December and January and sleeping in the open was far from unpleasant. Food they had, as they were being provided with rations. Col. Bell, the chief land surveyor, who met the Germans on their disembarkation, was not favourably impressed by their general appearance. There were certainly some good men among them, he tells us, but too many were low and desperate characters who had been collected from the slums of the great continental towns. General Stutterheim, himself, said that it would be no easy matter to form into quiet and steady citizens a body of soldiers who, but a short time previously had, with great difficulty and by means of the strictest discipline been transformed from plough boys into a military corps. They were not the material from which to make good agriculturists and farmers. The question whether the soldier or farmer was to take precedence

was settled very shortly after the arrival. On February 27th, 1857, there was issued a notice to the effect that in consequence of the suspicious attitude of the Kaffirs, the whole of the German Legion was to be on full pay (instead of half pay as decided upon in England) and the men were to regard themselves as on active duty against an enemy. Officers were not to be permitted to leave their stations and all were forbidden to trade. The selections of the positions for their locations or townships were made with a view to defending the country against the Kaffirs. Some stations were formed where there was already a military post, such as Fort Peddie and Keiskamma Hoek; others were near old mission stations such as Dohne (Stutterheim) and the old Beka station (Wooldridge). In the selection of strategical places entirely new, little consideration seems to have been had to their isolation and the difficulties of obtaining the materials for forming dwellings. In some places there was no wood nearer than eight or fifteen miles and then its transport was costly. Even water was scarce. In such cases the simple dwellings or shelters seem to have been constructed of turf and sods. What a merciful thing it was that those who had to live under such circumstances did not find wives in England. Nearer King Williamstown and East London circumstances were better. There was no difficulty in connection with food as all received Government rations.

In this way a number of small villages, if such a term may be applied to some of these collections of hovels, were formed and were given German names, such as Berlin, Hamburg, Potsdam, Frankfort and others. The whole legion was divided into three regiments. The first was under the command of Col. Wooldridge with its headquarters at the Keiskamma mouth, the second was at Keiskamma Hoek under Col. Von Hake (a very nice old gentleman, but quarrelsome) and the third was at Stutterheim under Col. Kent Murray. General Stutterheim was at the head of the whole force.

In the beginning and while the novelty of the situation lasted, the men went to work with a will in the construction of houses and villages and the sowing of gardens. But it did not last long. Disappointment and a feeling that they had been brought out under false pretences supervened. Where are the flourishing colonial towns with their abundance of employment for us, they asked; where are the crown lands at two shillings per acre? We only see lands at five pounds per acre; where are the many other good things which were promised to us at Colchester? We find ourselves in a country almost uninhabited by Europeans but well populated by hostile natives. Their fear and suspicion of the natives may have been enhanced by an unfortunate incident which happened on March 1st, within a month of their arrival. The dead body of Capt. Ohlsen was found lying upon the ground near King Williamstown. He had obviously

been stabbed with assegais. Six or seven Kaffirs had been seen near the spot and some of these same Kaffirs had been seen in King Williamstown with an inordinate sum of money tied up in a rag. Nothing however was proved against anyone. Sir George Grey, in expressing his regret on hearing of the murder said "I have ordered the village about to be formed at the Kabousie Nek and which was intended as the future place of settlement for Capt. Ohlsen to bear his name and be called Ohlsen."

The growing discontent and restlessness very soon led to desertions, and there were signs of the whole scheme falling to pieces at no distant date. The authorities still considered, and perhaps rightly, that the panacea for all this was the steadying influence of woman and her power of inspiring man to perform great and good works and that these virtues would so change the characters of these German roughs that in the end they would benefit the country by, not only making two blades of grass grow where only one grew before, but, in this particular case, causing abundance of cabbages and carrots to grow where there were none before.

As the blandishments and persuasive influence of the German soldiers in England had not resulted in the arrivals of as many wives in British Kaffraria as were desired, another scheme had to be tried. Mr. Labouchere at length saw the expediency of allowing £3,000 which had been raised by the sale of lands in King Williamstown and East London to be spent in sending out from England a cargo of prospective wives. The matter was placed in the hands of the Emigration Commissioners. As it was felt, and in fact stated, that a sufficient number of eligible young women could not be collected in England and Scotland, recourse was had to Ireland. From that country 174 were obtained. On September 6th, 1857, they embarked on the *Lady Kennaway* of 583 tons, at Southampton at a cost of £12 17s. 0d. each. There were also on board a few married people with their children, bringing up the total number of souls to 231. They arrived in East London on November 23rd and were exceedingly well received. But it was not clear how far they fulfilled their prescribed destiny. Sixty went straight away to Grahamstown where they were soon in domestic service and some seem, for the same purpose, to have remained in Cape Town. Sixteen, we are told, were soon married to excellent young men, but it is not clear that they were German soldiers. It is to be hoped they were not. For with an income of a few pence per diem and free rations and little opportunity and possibility of earning anything in addition to their pay, these men could not provide much of a home for a wife. On the whole therefore this move proved to be no remedy for the disparity of the sexes in the German districts. Two days after the landing of these people the *Lady Kennaway* was blown on to the rocks and became a total wreck.

Although wifeless, discontented and unhappy the German soldiers made some attempt to settle and to create new villages. They could make little progress however, handicapped as they were, not only by their want of agricultural knowledge and the natural difficulties of the country, but also by their being compelled to perform the military duties which were necessary to keep them in readiness to face an enemy at any moment. They showed no relaxation in discipline beyond that they were prone to listen to the words of those who counselled desertion and to act upon those words. In the columns of the *Government Gazette* and the *Grahamstown Journal* there were, in almost every edition, numerous notices and descriptions of German deserters.

To make matters worse their clothes and boots were becoming badly worn out. Some of the men were almost barefooted when they arrived and their clothes soon became so shabby and ragged that these men, who had been accustomed to smartness in their dress, were ashamed to appear on parade. All *esprit de corps* was gone. As men without boots were useless either as soldiers or settlers, Sir George Grey took it upon himself, in April, to order 2,000 pairs of boots at a cost of £1,127 5s. 0d. These in due course were supplied. In doing this and also in his keeping the men on full pay when they were sent out on half-pay, he ran foul of the War Office. In September, Lord Panmure, the Secretary of State for War, wrote and said that Parliament had not voted any funds to meet the expenditure on boots, that the men had no right to a gratuitous supply of clothing at the public expense; the order (on the part of Sir George Grey) he said, had been given contrary to regulations and without authority. Again on May 27th, 1858, the War Office reiterated the above and refused to authorise the requisition, adding that the amount would have to be recovered either by stoppages from the men's pay or from the Cape Government. Sir George Grey, in answer, said these men could not possibly meet this demand out of their trifling pay; and why should the debt fall upon the Colony? He pointed out that neither he himself nor the Colonial Legislature had asked that a single foreign mercenary should be sent to the Cape; the move, he said, was simply one on the part of the British Government to rid itself of the Germans and thus to escape from the embarrassment in which it found itself. In the end the amount was sanctioned. Throughout his Cape career there was friction between Sir George Grey and the War Office.

On the whole, the life of a soldier of the British German Legion was not a happy one. Anything beyond their rations had to be bought at canteens or grocery stores, which were few and far between, and to commence with, prohibitive in their prices.[1] The officers were

[1] A canteen keeper at Keiskamma Hoek got his supplies from a Grahamstown firm, which charged 25% wholesale profit and 50% for credit. The retailer added 75% to cover carriage, losses and his own profit. The common necessaries of life were tendered to the soldiers at a profit of 150% above cost price.

forbidden to trade, but it seems that eventually some did so. Two gentlemen cadets opened a store in Berlin and in consequence were dismissed from the regiment. This undoubtedly improved their financial position. To protect the men from the rapacity of irresponsible "winklers," Baron Von Stutterheim approached a big merchant in Port Elizabeth, Mr. H. B. Christian, with a view to getting him to supply on credit all sorts of necessaries to respectable men who should open stores at different villages and sell goods at reasonable prices. His security was to be the building allotments and lands which eventually were to belong to the settlers on these terms. Mr. Christian forwarded large supplies of provisions, building materials and generally goods adapted to the wants of the infant settlement. But like everything else connected with the German Legion, this scheme was a failure. As will be seen, many of the men went to India and Baron Stutterheim himself returned to Germany, thus Mr. Christian was left with £8,754 16s. 2d. owing to him.(1) Subsequently, Mr. Christian petitioned the British Government for compensation. He asked that he might be granted land to the value of the amount which was owing to him. This was supported by Sir George Grey and approved by the Duke of Newcastle. A board was appointed to consider the case. It was decided that only the lands which reverted to the Crown in consequence of the death of the owners or their removal from the territories could be granted as compensation. The value of these amounted to only £268. Thus Mr. Christian was a considerable loser.

In October 1857, as a consequence of urgent private business, Baron Von Stutterheim had to resign his command and return to Germany. He was a great loss as he exercised much influence over the men and seems to have been respected by all. General Sir James Jackson, the officer commanding the troops in British Kaffraria, then took command. He relieved the situation somewhat by drafting some of the men into the Cape Corps and employing others in police duty in King Williamstown. But he was unpopular and the Legion went from bad to worse after the departure of the Baron. A further loss was Col. Von Hake, who died in Berlin on August 1st, 1858. The number of deserters increased from month to month. Some of these deserters found an outlet for their enterprise and adventurous spirit by going into Basutoland at the time, namely 1858, when there was war between the Orange Free State and Moshesh. Though most probably they had no interest in either side but looking upon the war as a kind of public fight in which it was permissible for

(1) Some of the sums owing to him were: £248 3s. 1d., £363 8s., £560, £1,021 17s. 6d., £530 19s. 5d., £881, £879 9s. 3d.

outsiders to join, they attacked the French mission station of Morija and wantonly destroyed some of the buildings.(1)

With such dissatisfied and restless individuals the villages could not, and did not make much progress; there were soon signs of their complete abandonment. The garden lands which had been promised to the men were not surveyed owing to there being too few surveyors, and when the time for the stoppage of rations arrived, there were so little visible means of subsistence that the Government had to continue them for another three months. In short the scheme was a failure; the continued duties of the soldier were incompatible with the necessary industry of a farmer-settler. The development of the villages may be judged from a comparison of the numbers of men who still remained after two years with the numbers originally located. At Ohlsen, for instance, 22 remained out of 71, at Wiesbaden 26 out of 79, Berlin 57 out of 156, Peddie 4 out of 47, Hanover 29 out of 95, Braunschweig 25 out of 86, Breidbach 30 out of 71, and so on for other places. Stutterheim, the headquarters, still had 129 out of 280. The casualties among the men since embarking in England up to April 30th, 1858 were: died 75, dismissed 6, retired from service 8, deserted 120, handed over to civil power 14, executed 2.

In 1858 there was a turn of the tide. A sphere of real usefulness and adventure for the wilder members of the Legion presented itself. Sir George Grey received, by special messenger from Bombay, a letter dated June 29th, 1858, in which it was stated that never before had the British power in India been so menaced as it was at that time; the whole of the Bengal Army was either in mutiny or being disarmed to prevent mutiny. Lord Elphinstone stated that Sir Henry Barnard's force then besieging Delhi could not exceed 2,000 men of whom only 60 were trained artillerymen; the rebels, he continued, were daily receiving larger reinforcements; regiments and brigades in mutiny were marching to Delhi; a bloody and inconclusive action had been fought at Delhi on June 23rd in which we had lost a great number of officers and men. Sir John Lawrence had begun to think

(1) Jacobus Brewer, a farmer of New Year's Spruit, Caledon River, made a statement in this connection before the magistrate of Aliwal North on June 9th, 1858. According to this he was on a Free State commando which went in the direction of Letsea's town (Morija). Surrounded by thousands of Kaffirs at Sand Spruit, they fought their way through to within a few hundred yards from the town. He was with the party of Boers who rode into the town, where they received orders that they were not to touch anything. He saw several people on the stoep of the house of Mr. Maeder, the missionary. Some of these were breaking down the verandah with ox yokes. They were "Deutschers," as the Boers called them, deserters from the Germans down below, who, with some stragglers, formed themselves into a band. They were a wild lot of men who did as they pleased and cared for nobody. Brewer saw them killing pigs and poultry, and going into the house; he saw the havoc which had been made and the burning huts in the rear which had been set on fire, presumably, by the same "Deutschers." A young English farmer of the Caledon district, who also was on this commando, corroborated Brewer's story, without knowing what he (Brewer) had said.

that he would be obliged to abandon Peshawar. So in this alarming state of affairs a special messenger was sent to the Cape, urging Sir George Grey to send without delay two infantry regiments to Bombay, a force of artillery with horses to Calcutta and all the specie which could be spared. Sir George rose to the occasion. He took upon himself and without any reference to the War Office to direct troops which were on their way to China to disobey their orders and go on to Calcutta. The Cape Parliament had just been prorogued, hence the Governor had to act independently of that body. He felt assured that, actuated as they were by their loyalty, they would sanction the steps he felt called upon to take in this emergency. He depleted the military force in the Colony by sending to India so many of the troops as to leave the country almost in danger; and a Board was formed to deal with the acquisition of horses and their transmission to Bombay. He even sent his own private horses. On his own responsiblity also, he increased the local mounted Border force by 200 men, involving an extra expense of £20,000 per annum. The civilian population of Cape Town undertook the garrison duties of that place in order to liberate the regular soldiers. It was only to be expected that the British German Legion should be called upon to volunteer for service in India. The terms of their engagement were that, as regards pay, clothing and such matters, they were to be on the same footing as the regular troops; they were to enlist for ten years and at the expiration of that time they were to have the option of enlisting for another ten years or returning to the Cape as military settlers. Although under these terms the response was not as great as was desired and hoped, yet 30 officers and 1,028 privates offered themselves. In due course they were assembled at East London and in September 1858 under the command of Col. Wooldridge set sail for India.(1) In that country they formed what was called the Jager Corps. This corps was on active service barely a year. On September 23rd, 1859, the Indian Government decided to dispense with their further service. They were told they might join the Artillery, the 3rd European Infantry or return to the Cape. The greater number, including Col. Wooldridge, seemed to have had enough of the Cape and decided to remain. But 6 officers, 30 non-commissioned officers and 334 privates thought otherwise and embarked for Port Elizabeth where they arrived on March 12th, 1860. Now there was, in fact it may be said had been, a fixed determination on the part of the authorities to get rid of the Legion altogether. The cost of it had been out of all proportion to the benefit which had

(1) Sir E. B. Lytton, writing to Sir George Grey on January 4th, 1859, and thanking him for his zeal and promptness in sending reinforcements to India, said, in connection with the German Legion: "With regard to the German Legion, I doubt not that the removal of so large a part of them will be beneficial to the Colony in which that foreign body failed to realise the main objects anticipated from their introduction."

been derived from it either in the defence or the colonisation of the country. No less than 8,244 acres of land had been granted to the men and about an equal amount had been given out to the officers on remission certificates. The expense in its establishment had been, roughly, advances for tools £11,280, building monies £22,000, pay and allowances £5,300, total £86,280. The estimated monthly expenditure was £2,002 5s. 7d. As a corps it was disembodied and disarmed on April 1st, 1860. Temporary assistance in the shape of full pay was allowed for a short time in order to enable the men to make what arrangements they could for their future. But all pay and rations ceased on May 1st. Any of the men who wished to quit the corps were permitted to do so and to search for employment. During April 319 marched away to Grahamstown and Port Elizabeth and during the ensuing month or so all scattered in different parts of the country and the British German Legion came to an end.

While the Legion was in course of formation in England in 1856, Professor Demmler of the Royal Military College at Sandhurst wrote to the War Office and suggested that, besides forming a military settlement in South Africa, it would be as well to send out a number of civilian emigrants. It was hoped thereby to afford some support to those whose duties would be chiefly military as well as to increase the market for the produce of all. Lord Panmure looked upon this suggestion with approval and brought the matter before Mr. Labouchere, the then Secretary of State. He disapproved of it entirely as also did the Emigration Commissioners, who were of opinion that if British money was to be spent in sending out emigrants to a distant British Colony, these emigrants should be British. Thus, as far as the Home Government was concerned, the scheme fell through. But Baron Von Stutterheim must have been aware of the proposal and, approving of it, recommended it, on his arrival, to Sir George Grey. In any case, Sir George soon came to know of it and whether or not he knew of Mr. Labouchere's disapproval, he commenced forthwith to translate words into action.

Professor Demmler, with another, had offered to go to Germany to select eligible people in the event of the proposal being adopted. Baron Von Stutterheim, however, objected, on political grounds, to the co-operation of Professor Demmler, but suggested the firm of Caesar Godefroy & Son of Hamburg as the agents who might be depended upon to select the people most likely to succeed in South Africa. Their agent in Cape Town was a Mr. Berg. He, on behalf of his principals, entered into an agreement with Sir George Grey to bring out to South Africa four thousand good and useful people at a cost of £50,000. It is important to note that the date of this agreement is August 27th, 1857. According to this, the settlers were to be people of respectable character, free from all bodily and mental defect and

should have been engaged in agricultural pursuits. A bounty of £12 10s. 0d. would be paid for each adult landed at East London and approved by an Immigration Board appointed by the Governor. No bounty would be paid for husbands without wives or wives without husbands. Single women under 18 were not admissible unless accompanied by their parents, nor were widows and widowers with young children, nor any who had been in prison or reformatory or who had not been vaccinated. Each head of a family was to receive a free grant of a building plot in one of the villages where the Legion was located, and further every married couple would be allowed to buy twenty acres of land at £1 per acre (instead of the usual £5), every single man ten and every child above ten three acres, and for those above 14, five acres. All this, however, the passage money and the cost of the land had eventually to be paid for by the immigrants themselves and a document had to be signed by them in Hamburg that they would agree to do so. That they might not be unduly pressed in the first years of their sojourn, no payment would be asked for until the expiration of the fourth year, when one fifth of the debt would become payable and thereafter a fifth at the end of each of the subsequent years until the whole debt was paid, and then the title deeds would be issued.

But what about the necessary funds to bring all this about, namely the £50,000 which had to be paid to Godefroy of Hamburg? Sir George Grey evidently feeling that it was useless to approach the British Government for assistance in this connection raised the money by debentures on the security of the revenue of British Kaffraria bearing interest at six per cent. There seems to have been no difficulty about this and the scheme went ahead. Godefroy & Son, by means of sub-agents in different parts of Germany, soon collected together numbers of the right sort of people and early in 1858 embarkation for East London in Hamburg commenced. The first vessel to depart for South Africa was the *Caesar Godefroy* which left Cuxhaven on April 15th, 1858, and arrived at East London on June 14th. There were on board 67 families comprising 322 individuals. Then, in order, followed the *La Rochelle*, *Wandrahm*, *Wilhelm Berg*, *Peter Godefroy* and *John Caesar*, which reached East London on January 28th, 1859. On the *Wilhelm Berg* no less than 71 died on the voyage. The total number of individuals thus introduced into the Colony was about 2,300, equivalent to 1,600 statute adults. Two hundred remained in Cape Town, where they were soon in service and gave such satisfaction that several of the residents asked Sir George Grey and the Colonial Government to get more of these people out from Germany. But, as will be seen, the whole movement was abruptly stopped before the number originally proposed was sent out.

The reception of the Germans at East London was not exactly cordial. Very inauspiciously, the Chief Commissioner refused, at first, to be in any way responsible for the issue of rations to them. They were all right for the first eight days, however, as Messrs. Godefroy, according to their contract, had to victual them for that time. Eventually, Col. Maclean, to save the people from starvation, saw the necessity of providing them with food, but it was to be for only three months and on the understanding that it would have to be paid for at some future time. It is curious that he should have taken up this attitude seeing how enthusiastic Sir George Grey was in connection with the scheme. For shelter and accommodation there were vacant many of the pensioners' houses in King Williamstown as well as some of the shacks and houses built by the soldiers of the Legion who had gone to India. As soon as possible the new arrivals were moved off in waggons and with a conductor to the various distant military posts. Then their troubles began. While some of their kith and kin were on the sea and others had not yet started from Germany, they discovered that there was little immediate prospect of the easy means of earning daily bread and forming the comfortable home which they had visioned before they set sail. Many were soon in great straits and in urgent need of assistance; and yet others were pouring into the country to increase the distress. Some few obtained employment on the East London harbour works and the surf boats, and some others, for a time, on the building of the bridge over the Koonap River; and the church at Adelaide; but those at the distant and isolated military posts were very badly off.(1) Nothing, on their part, was wanting in industry and endeavour to succeed, but circumstances were against them. Without capital and the necessary farming appliances and almost without seed, they had to start cultivating the soil and making a living. Misfortune dogged their path year

(1) Typical letters from German emigrants to Col. Maclean: Adolph Panmure, Nov. 14th, 1858, writes: "Three months are already past since our disembarkation at East London, and none of us has as yet had an asylum allotted to him, a place for his own hearth. Many of the emigrants who followed the call to a foreign country are now abandoned to misery and starvation. Those who have found shelter among the British German Legion are exposed to their humours and whenever it pleases one of these to turn the immigrant out the latter wanders about, abandoned to fate without shelter. At the end of this month the rations advanced to us since our arrival cease, and most of us have not yet any expectation of gaining a livelihood. Those who brought any money or effects from Germany with them have spent it in Kaffraria (a country five times as expensive as Germany), and are now entirely destitute. This is particularly the case with those who are only agriculturists, since there has been no source of employment for them. If soon after our arrival we had received our building plots most of us would certainly have well employed their time till now. They would not only have built their houses, but every one would also have cultivated his plot of ground and would now already be able to enjoy some fruit of his diligence, instead of migrating as we do now from one house to another and losing the most valuable time."

In a Petition from the people of Potsdam to Capt. Baron de Fin they say: "We are here nearly three months and have done our utmost to get employment and having nothing to work for ourselves, and having very seldom employment, we are obliged to stay lazy and disengaged at home, for we have

after year. If the heat and drought did not destroy their limited crops, cold and excessive rains did. Then, as in the plentifully yielding year of 1861, there was not sufficient demand or market for their potatoes—their chief crop. From Keiskamma Hoek, so we are told, potatoes had to be sent to King Williamstown, but the carriage to that market cost two shillings per sack and realised only two and sixpence or three shillings for a hundred pounds, so that after paying all expenses the growers received barely £2 for two thousand pounds. Cold and hail made havoc with their barley and oats and rust destroyed their wheat. At the end of four or five years therefore they were not much better off than when they arrived, in fact they were worse off, for their clothes were becoming badly worn out and they could not afford others. To add insult to injury they were then called upon to commence refunding the money which had been spent in placing them in their unhappy situation. Very many forsook the location and drifted into the Colony in search of work. At Breidbach, for instance, 89 remained out of 150, Izeli only 116 out of 870 and the total at Berlin, Hanover and Potsdam was 337 where 519 had been located.

In spite of all this they were a valuable addition to the European population of South Africa. But being almost entirely married people with young children they were scarcely calculated to solve the problem of supplying wives to the men of the German Legion.

The magistrates of the districts in which they were located spoke very approvingly of them. They have proved themselves, said the magistrates, a most industrious people; they have striven most manfully to earn a livelihood under circumstances which would have discouraged most immigrants and they are cheerful and entertain hopes of soon being in comfortable circumstances; their prospects are steadily improving.

Before the number of emigrants which Sir George Grey wished to be sent out to South Africa had been collected in Germany, the

not yet received our building lot, much less the other land, though it was promised to us in Germany." They ask that he will intercede to the Chief Commissioner for a continuation of rations for another three months, as the time for the first issue is drawing to an end. "Also we must beg you very instantly to require the Chief Commissioner to send as soon as possible a surveyor to this place. We are accustomed to work and don't like to stay at home lazy and disengaged."

Ferdinand Vogt, Nov. 11th, writes: "I am a father of five uneducated children. My wife died on board the ship *La Rochelle*; now I am here at Stutterheim and I cannot get work, neither have I any money for cultivating the land allotted to me. I have dug up the greater part of it, but I have no seed to plant in it. I therefore pray Your Excellency will be pleased to lend me some seed of potatoes and other vegetables and also some money to purchase a few goats. If I get some seeds and money or goats I shall be able in the course of a few years to repay everything. It is true we get daily rations, but they will cease with the 7th December. I therefore pray that Your Excellency will be pleased to prolong the rations for three months, for most of us immigrants have not yet anything to reap. All the time that I have been at Stutterheim I have not earned more than five shillings, neither has any one of the others. I pray, as a poor, oppressed man, to have my burden made lighter." He was told that "at the Cape we did not want any money, that provisions were cheap and each man could make two thalers (6s.) a day. But we find it reversed—provisions dear and no work."

whole scheme, by the action of the Secretary of State, was suddenly abandoned. As far back as December 13th, 1856, when Professor Demmler first suggested it and the War Office expressed its approval, Mr. Labouchere, on being consulted, pronounced his opinion decidedly against it. He did, however, refer the matter to Sir George Grey and received in answer, dated March 25th, 1857, a strong recommendation that the scheme should be carried out. Still harping on the paucity of wives who came out with the German Legion he suggested the introduction of a thousand German families, presumably elderly married people with grown-up daughters, though this was not specified; women already married and with their husbands and small children could not have solved the problem. His arguments did not move the Secretary of State. Mr. Labouchere, in a despatch dated June 5th, 1857, pointed out that the expense of the movement would be enormous, the passage alone would cost £50,000. Then there would be the additional expense of agencies in Germany, of the transport to the port of embarkation and accommodation and transport in the Colony on their arrival, all of which charges might reach £20,000; the proposed dwellings would cost another £30,000, hence £100,000 might be considered the lowest figure on which a thousand families could be transferred from Germany to British Kaffraria. He would not, he said, feel justified in asking the British Parliament to vote such a sum for that object. In short he refused to entertain the idea of this procedure for promoting marriages among the German Legion. This despatch reached Cape Town on July 27th, on which date Sir George Grey must have become fully aware of Mr. Labouchere's sentiments; yet on August 19th following, three weeks afterwards, he opened negotiations with Mr. Berg, the agent in Cape Town of Godefroy, for sending out *four thousand* German emigrants. His defence against his seeming disobedience to the orders of the Secretary of State, as contained in his despatch of December 26th, 1857, was that in consequence of the approval which had been expressed by the War Office and the fact that Mr. Labouchere himself consulted him on the question, albeit he had expressed his disapproval, he (Sir George) felt justified in going further with the matter until he found he was mistaken in the sentiments of the Secretary of State as expressed in his despatch of June 5th.

Mr. Labouchere resigned the seals of office on February 26th, 1858, and was succeeded by Lord Stanley(1). That noble lord agreed

(1) It may be interesting to note here that there were no less than eight different consecutive Secretaries of State holding office during the shor Governorship of Sir George Grey. They were:

June 10, 1854.	Rt. Hon. Sir George Grey, Bart.
February 15, 1855.	Rt. Hon. Sidney Herbert (three months).
May 15, 1855.	Lord John Russell (nine weeks).
July 21, 1855.	Sir William Molesworth.
November 17, 1855.	Rt. Hon. W. Labouchere.
February 26, 1858.	Lord Stanley (Earl of Derby).
May 31, 1858.	Rt. Hon. Sir E. B. Lytton.
June 18, 1859	Duke of Newcastle.

entirely with his predecessor in the matter of the German emigrants. It was he who finally ended it by informing Godefroy & Son that the sending forth of Germans to British Kaffraria must cease. But then there arose the difficulty of getting out of the contract which had been made with that firm by Sir George Grey. Agents had been appointed in Germany to collect suitable people, ships had been engaged and provisions arranged for so that considerable expense had been incurred. In the end, it was agreed that only 1,600 of the proposed 4,000 adults should be sent out and that a sum of £5,000 out of British Kaffraria funds should be paid to Godefroy, as full compensation for their liabilities and loss of the contract.

Lord Stanley, in acquainting Sir George Grey with what had been done, pointed out (Despatch May 4th, 1858) that there was an annual deficit of £40,000 in the British Kaffraria revenue, which had been made good by a yearly grant from Parliament. The bonds secured on the revenue of that territory depended for their principal and interest on a continuation of this expenditure by Great Britain; and the £50,000, which had been raised by debentures, far from completing the expenditure on the emigration, was really only the commencement of it. "Seeing therefore that the pecuniary consequences directly concern this country, Her Majesty's Government have felt bound to adhere to the policy which has already been communicated to you by my predecessor. If any inconvenience should occur, it will have been owing to the unfortunate course taken by yourself in ordering an extensive series of operations to be commenced in Europe without the knowledge and authority, and against the previously expressed decision, of the Queen's Government."

Due to his disposition to act in emergency according to his own judgment and without reference to higher authority and convinced that in difficulties, he being on the spot, could see better the proper course to take than could those who were six thousand miles away, he seemed, in his devotion to duty and his concern for the welfare of the Colony and the Empire, to pay little heed to the orders of either the Colonial or the War Office, consequently he fell foul of both. He had, for instance, ordered 2,000 pairs of boots for the German Legion and military clothing for 140 men of a Hottentot Corps; he had kept the German Legion on full pay while they were under orders to be on half pay, thus, according to the War Office, adopting a course which involved a very serious responsibility in thus maintaining a body of troops and paying them out of Imperial funds. Further he mounted a party of them as a cavalry corps for the protection of British Kaffraria. He considered that that was necessary as, in consequence of so many of the troops having been sent to India and the proper Cape Corps, the only cavalry regiment which was paid by Great Britain, being 180 below its authorised strength, a rising

among the Kaffirs was not an improbability. Sir James Jackson, the general commanding, had written to the Governor in these terms. The letter was forwarded to England, but remained unanswered until, after a body of 150 Germans had been formed into a mounted corps, he heard from the War Office that he had been guilty of a great irregularity and that no provision had been made in the army estimates for the expenses. The War Office further considered that its authority had been flouted by Sir George Grey in that, without reference to them, he had sent part of the German Legion to India. This step, it was decided, should not have been taken without previous instructions from Her Majesty's Government or reference to the Governor-General of India, who, in 1856, had objected to the importation of Germans. Sir George, in answer, pointed out that Lords Canning and Elphinstone had each, in the most urgent terms, applied to him for additional reinforcements, the latter suggesting that he should send as a part of the reinforcements a part of the German Legion. "I should not, in the crisis prevailing in India," said Sir George Grey, "have been justified in delaying to send the reinforcements asked for until, with a delay of many months, I had consulted Her Majesty's Government upon the subject. With regard to the objection, that objection was raised in 1856 before the mutiny and when no great crisis prevailed; the action I took after the mutiny was at a time of peril, the only mode on which with safety I could augment the troops in India at a moment when such augmentation was urgently necessary."

Sir George Grey resented the nature of the communications, with their implied censure, which passed from the War Office to the Colonial Office and the General commanding the troops in British Kaffraria. He appealed to Lord Stanley for protection (June 21st, 1858). He complained of the severe tone of the letters which had proceeded from that office and observed that it was impossible to read them without coming to the conclusion that a feeling of personal ill-will towards himself was manifested in them and that all this had lowered his office and himself in the estimation of those he had to govern. General Peel, the Secretary for War, in justice to his department, could not permit these remarks to pass unnoticed and greatly regretted that Sir George Grey should have permitted himself to make such comments in his despatch.

It was now time for a change in the person of the Secretary of State, Lord Stanley having been in office three months. He was succeeded on May 31st, 1858 by Sir Edward Bulwer Lytton, who had to continue the strained correspondence with Sir George Grey. In his last letter to Lord Stanley, dated June 23rd, 1858, Sir George referred to these War Office despatches and said that they were of such a nature as to render it imperative on him to resign. His whole

life, he said, had been one of such constant active duty in remote parts of the world and he had been so little mixed up in ordinary political affairs that he was quite ignorant of what might be the conventional rules among public men on such subjects. Lest he should be violating any conventional rules which he did not understand, he assured his Lordship that nothing but a sense of duty had made him hold his present office so long. He had only remained, he continued, because he thought he was useful to Her Majesty and the country. "When it is thought to be for the advantage of the public service to send me back to private life I shall cheerfully and gladly make way for a successor. If therefore Her Majesty's Government desire to remove me, the slightest intimation to that effect from your Lordship shall lead to my immediate retirement." In answer to this Lord Lytton wrote on September 6th, 1858, "After a brief statement of your reasons for the step, you inform Lord Stanley, that if Her Majesty's Government desire to remove you, the slightest intimation to that effect from his Lordship would lead to your immediate retirement. This expression of your feeling having reached me, who have succeeded to Lord Stanley in the administration of this department, it is my duty at once and without hesitation to inform you that Her Majesty's Government, far from any such intimation, are very anxious to retain your services in your present office. They are much too well informed of the advantageous results which your policy has in many respects secured to the country and the frontier and set far too high a value on your abilities for this employment to contemplate your retirement from the critical and difficult duties which are now entrusted to you. I am very anxious to impress upon you the feeling that while you have great difficulties to contend with in executing the consistent policy which you have traced out for yourself, Her Majesty's Government have difficulties of a no less formidable character to contend with in supporting you in that policy, so long as it involves a heavy charge on this country whether, military or civil, I can only say, for your general guidance, that while H.M. Government are ready and willing to leave very much to the discretion of a Colonial Governor, in whom they have confidence where local affairs and local expenditure are concerned, they cannot, responsible as they are to Parliament, allow him the same latitude in matters involving directly or indirectly British expenditure. On these subjects they have at least a right to expect that the Governor shall neither compel them to propose a fresh expenditure, unless of course in case of immediate emergency, nor to continue year by year an existing one, without ample warning long beforehand and without furnishing to them as far as possible by anticipation the reason which may render it necessary. It is only by this frank and circumstantial communication beforehand, that harmony can be procured between the officer administering government abroad and those who have

to persuade Parliament of the expediency of his measures and to justify them when taken."

With reference to the friction with the War Office, Lord Lytton wrote on January 15th, 1859: "With regard to the question which you raised respecting the tone of the correspondence of the War Department, I satisfied myself that you were mistaken in assuming the existence of any ill-will towards yourself and it only remains for me to beg of you to understand that the despatches of the Secretary of State for War to the Lieutenant-General commanding the troops contain the decisions of the Secretary of State himself and convey to you my wish that the discussions on that subject may cease."

While the correspondence in connection with the differences of opinion (there are others yet to be dealt with) between Sir George Grey and the British Government went on, the Germans carried on their struggles against adverse circumstances. The men of the Legion became scattered over the country, as also were some of the emigrants, but many of these latter remained on their lands and ultimately did well. The late Dr. Theal, who lived in British Kaffraria in the early sixties and knew many of them, thus speaks of them "Frugal, temperate, orderly and industrious in the very highest degree, they set themselves to work with the utmost diligence on their little holdings. After a few months they consumed nothing that they did not produce. Chicory from their land served them for coffee, honey from their hives took the place of sugar, pork and maize and vegetables were the principal articles of their diet. The ground had to be turned over with the spade, for they were too poor to purchase cattle and ploughs. The women carried heavy loads of vegetables to the nearest military post or to King Williamstown or East London, and though the returns were small, they were saved. Then came the time when a horse could be bought and a little home-made waggon, with wheels sawn from the trunk of a tree, was seen on the road. Presently a cow was visible on the German's homestead, and it was always sleek and well fed. So it went on with him, every year finding him with a little more stock than before. Surely no people in the world more than these men and women deserved to become prosperous and happy. The neat stone houses in which their children live to-day (1904) the highly cultivated fields around them, the herds of cattle that graze on the pastures, bear witness to their thriving condition and to the fact that Kaffraria is a land in which industry and perseverance meet with a suitable reward."

CHAPTER III.

BRITISH KAFFRARIA AS A CROWN COLONY.

By Writ of Privy Seal, bearing date December 14th, 1850, it was enacted that the territory situated between the Keiskamma and Kei rivers as defined by proclamation of December 23rd, 1847, and called British Kaffraria should be erected into a distinct and separate government. It was to be administered "In Our Name" by the Governor of Cape Colony or by a Lieut. Governor. "No law, custom or usage now in force within our said settlement of the Cape of Good Hope shall by force or virtue hereof extend to and become in force or virtue within the said territory of British Kaffraria." No court or magistracy in the Colony was to hold or exercise any jurisdiction in British Kaffraria. But the Governor or Lieut. Governor was given the same power and authority as were granted to Sir Harry Smith by Letters Patent of December 15th, 1847, to make and enact laws for the maintenance of peace and good order in British Kaffraria. None of this then came into force, in fact the order was never promulgated as during that same month the '50 war broke out and matters of a very different character claimed consideration before so peaceable a measure could receive attention. The War ended, to Sir George Grey it was left to bring about the pacification and political development of British Kaffraria. As has been shewn, his policy was that of destroying his enemies by making them his friends. Industrial institutions, public works and the revival of Sir Harry Smith's scheme of making the Kaffir chiefs something of the nature of stipendiary magistrates were the agencies by means of which he hoped to show the natives that peace was more profitable than war. And to the British Government he hoped to demonstrate that the great cost of Kaffir Wars would be eliminated by the expenditure of moderate sums on such civilising influences. To carry out all this, as has been mentioned, he asked for a grant of £40,000 per annum from the British Government, assuring the noble Lords of the Treasury that the necessity for that sum would dwindle year by year until a time would come when British Kaffraria would be a territory of peace, industry, and growing development, and no further grant would be required. But progress in this direction was slow, as untoward circumstances, over which the Governor could have no control, militated against its success. The Kaffirs, recovering from the effects of the '50 war, were regaining some of their pride and confidence and, as in the case of the cattle killing as a preliminary to war, and also the chiefs beginning to feel the pressure of magisterial authority, were showing

indications, especially during 1856, of a determination to resist still further the domination of the British Government. The success of the endeavours of Sir George Grey on their behalf at that time seemed therefore to be problematical. There were the continual conflicts between believers and unbelievers with the accompanying starvation, robberies and murders. And even after the bursting of the Umhlakazian bubble matters were not greatly improved. It was dangerous for solitary Europeans to move about the sparsely inhabitated country. In February of 1857, Capt. Ohlsen of the German Legion as we have seen was found lying dead just outside King Williamstown. It was clear that he had been assegaied. In March, 1858, a missionary, the Rev. J. Wilson of East London, was on his way to take a military service at Fort Pato. He was last seen to pass along a footpath which went through a bushy country and to be followed by two Kaffirs. As he did not appear at the Church parade, nor in fact anywhere else, a search was made for him. After several days his remains were found in a densely wooded ravine to which place it was clear he had been dragged after having been brutally murdered. A reward of £100 was offered for the capture of the murderer. In the end three Kaffirs were arrested on suspicion and tried, one, Muleka, was found guilty and sentenced to death.

Shortly before the dead body of a Mr. T. W. Raynes was found lying dead on a road near the Bashee river. He had been stabbed and so beaten by knobkerries that there was scarcely a whole bone in his body. The murderer in this case does not seem to have been found.

Also about this same time the Rev. J. S. Thomas was murdered at his mission station, Beecham Wood, in Faku's country. This may have been accidental. A commando of young men went to the station in the early hours of the morning to seize the cattle. Mr. Thomas ran out of his house, shouting to them that he was their missionary; but the only answer he received was an assegai in the neck and one in the back. He fell back dead. Faku, who was in receipt of a subsidy from the Government, denied all knowledge of the affair and had the " murderer " killed.

The Fingo menace gave Sir George Grey considerable anxiety. In a despatch to Sir E. B. Lytton, the then Secretary of State, he said there were between 70,000 and 80,000 Fingoes congregated in locations of about 15,000 each, and in spite of all that had been done for them in the way of education and giving them Crown lands, they were relapsing into barbarism and their head men were becoming powerful chiefs. These Fingoes, he continued, were trying to rouse a feeling of nationality and to form themselves into an independent people. The danger arose chiefly from the younger men who had grown up under British rule. According to Mr. Chalmers they

wanted only a pretext for an outbreak. "We Know," said they, "The English way of fighting and we will drive the English into the sea." The grievances were firstly the compulsion to live in villages and the threatened repression of all their customs; secondly there was feeling in the Crown Reserve due to the apparent neglect of the surveys of the lands which had been allotted to them. This was accounted for by the few land surveyors who could be employed in consequence of the stoppage of money from the British Government. This was unfortunate as every native who bought and occupied his own private land became independent of his chief and a less likely ally in any move against the Government. Some of these Fingoes were willing to pay a pound per acre for land which was to belong to them personally.

Then there were agitators who were endeavouring to fan the flame of discontent. A Fingo named Fundakuli, the son of Iskweni, sent a message to Moshesh asking him whether he would support them in a revolt against the Government. And Umhlambiso, an important Fingo chief living near Peddie, received two messengers from his elder and superior brother, Langalibalile, the chief of the powerful Amahluli tribe in Natal, urging him to make an effort to quit the Colony and to occupy a position nearer to his native land. He was to do all he could to induce other Fingoes to do the same; all this with a view to concentrate nearer to Natal and ultimately to a hostile movement against the Colony. It will be remembered that the Fingoes were expatriated Zulus and that some of them were Amahluli, hence the action of Langalibalile.[1] However nothing of this materialised. The Fingoes remained loyal and more than any other tribe were benefited by the endeavours which were made for their civilisation and development. The paramount chief Kreli was a source of perplexity and anxiety to Sir George Grey. In February, 1858, he and those of his followers who had not succumbed to starvation or who had not scattered into other parts were driven out of his country. Kreli took refuge in Bomvanaland, on the far side of the Bashee river, where he was not altogether welcomed. He soon found himself surrounded by hostile tribes and living in a state of fear and misery. He was a refugee acknowledged by no one; he feared everyone, especially a stranger, and dared not go near any Government authority. His presence in his own country was felt by the authorities to be incompatible with the safety of British Kaffraria, and indirectly, of the Colony; his expulsion on the other hand was found to be productive of good results. On July 23rd, 1859, he sent a pathetic, contrite message to Mr. Charles Brownlee asking to be allowed to cross the Bashee to the west and to live under the same Government as the Cis-Keian chiefs. Mr. Brownlee however advised

(1) *Vide* Vol. III, Chap. V., of this work.

against it as he knew well the value of Kreli's promise. He (Kreli) also sent a message to the Governor begging to be forgiven the great sin he had committed and to be relieved from his misery as an exile and wanderer by being allowed to return to a portion of his lost country. This was refused, but he was offered a tract of land beyond the Umtata River, still further away from British Kaffraria. This he would not accept for the reason that he was too near the country of the Pondos, whom he feared. Sir George Grey doubted the expediency of allowing Kreli to obtain any footing whatever in his country. His profession of repentance was not to be believed. In the meantime the country was held by Sir Walter Currie and the Frontier Armed and Mounted Police (F.A.M.P.). It was continually patrolled and no natives were allowed to settle in it except two parties who were trusted, one at Butterworth and one at Idutywa.

In 1860, when Kreli had found that *ad misericordiam* appeals were useless, he seems to have contemplated gaining his end by force. Thousands of Gcalekas were said to be flocking to their exiled chief. Kreli encouraged or authorised them to make raids upon the adjacent Tambookies in order to get their cattle on which to feed his people until he was ready to attack. But it was a time of drought, cattle died for want of grass and the people died for want of cattle. In other words, starvation again set in. But apart from this, the Tambookies themselves were becoming something more than restless. The Umhlakazian delusion was not dead among them. The prophet's mantle had fallen upon two new witchdoctors—Bombo and Makunza—who still preached the resurrection of cattle and heroes. According to Mr. J. C. Warner, the Resident among the Tambookies, the ill will was due to the encroachment of the colonial law upon their prerogatives and to their chieftainship dwindling to a mere name. They had a deep-rooted aversion to being brought under the jurisdiction of the Colonial Courts and they showed a disposition to resent it. The great numbers of natives who had gone into the colony at the time of the starvation were creeping back to Kaffirland; there was a tendency to congregate in Sandilli's country—a bad sign. They gave as their reasons for deserting their employers the facts that no land was allowed them for cultivation, that they received very small wages and that they were ill-treated, especially by the Dutch. So that in one way or another the affairs in all the country east of the Keiskamma River were not very happy. Sir George Grey, as well as Colonel Maclean and Sir Walter Currie, advocated the occupation of the Transkeian territory by a carefully mixed population of Europeans and trustworthy natives, each race located in parts best adapted to their respective modes of cultivation. Under such circumstances they believed that security and peace would be obtained. "But," said Sir George Grey, "I at present dare not take any step whatever

in reference to this country. Almost every measure I adopt is disapproved of by the Home Government and is ordered to be stopped. The Colonial Parliament also appear to refrain from affording me any assistance in the matter. I am afraid to move lest my proceedings should be disallowed and a general want of confidence created."

The vacillating native policy which has been so characteristic of our South African history was well instanced in these particular matters. After Sir George Grey left the colony and Sir P. Wodehouse succeeded him, Mr. Cardwell, the Secretary of State, decided to abandon the Transkei altogether. The British Government were averse to incurring the risk of any additional charges and demanded that the force keeping order in the Transkei be withdrawn and the Kei River to be the boundary of British influence. And with regard to Kreli, his prayers were at last listened to. Perhaps this was wise, for the increasing congregation of Kreli's followers in Bomvanaland, under the aged chief Moni, was pregnant with trouble. He was allowed to re-occupy part of his country, the part now forming the districts of Kentani and Willowvale; and, further, he was granted £100 per annum during good behaviour.

In a despatch dated January 10th, 1857, Mr. Labouchere, the Secretary of State, reminded Sir George Grey that "For conciliating the goodwill and promoting civilisation of the Kaffir tribes, the British Government granted in 1855 a sum of £40,000. It was, in the first instance, granted for the financial years ending on March 31st, 1856 and '57. It was understood that the necessity for it would diminish year by year until it would vanish altogether." It was by means of this handsome grant that the industrial institutions, the employment of Kaffirs on public works, the King Williamstown hospital and other civilising agencies were brought into being.

On June 12th, 1856, Mr. Labouchere was able to inform Sir George Grey that a further £40,000 had been granted, but "This has been done," he said, "in reliance, when the grant was first proposed, that a reduction would be made in the amount at a very early period." Unfortunately in connection with this second grant there were demands upon it which could not have been foreseen, namely, the great expense of feeding the many hundreds of victims of the cattle-killing delusion and of the distress due to disease among the cattle still living, and also there was the unavoidable expense in consequence of the arrival of the German Legion. Hence the intended progressive civilising measures were greatly retarded. The ordinary revenue of British Kaffraria at this time was hopelessly inadequate to carry on the government of the country, much less to bring about any development. The local revenue was stated to be about £20,000 and the estimated expenditure £60,000, deficit £40,000 to be made up by the British

Government. The chief items of expenditure were: Works and buildings, £19,850; schools and industrial institutions, £4,385; native patients and hospitals, £500; provisions and rations to chiefs, £460; magistrates resident with chiefs and native counsellors, £14,124, making a total of £39,319.(1)

The revenue of British Kaffraria suffered very severely in consequence of its port, East London, being considered, for customs purposes, to be situated in the Colony, and all the duties which ought to have been collected at that port and used in the interest of British Kaffraria being collected at Cape Town or Port Elizabeth and added to the revenue of the Colony. It was estimated that £100,000 worth of goods entered British Kaffraria, the duty on which at 7 per cent. had been lost to that territory. This, however, was rectified when on December 19th, 1859, Letters Patent were issued making East London a port of British Kaffraria. The British taxpayer was undoubtedly not so wildly enthusiastic about the civilisation of the Kaffir as to see with equanimity the large sums of money which were being spent for that purpose; and the Government feared the dissatisfaction which was likely to be expressed in Parliament when, for an object in which the country was not greatly interested, these large sums were asked for year after year. On December 4th, 1857, therefore, Mr. Labouchere again reminded Sir George Grey of the promised reduction and expressed his disappointment that it had not been made. He asked that serious consideration might be given to this matter in the ensuing year.

Sir George Grey, in reply, reminded the noble secretary of the additional burdens which had been laid upon his financial resources, and he mentioned that a sum of £6,238 had been raised in the sale of lands. This he considered encouraging, not so much on account of the actual money, but as a sign that the country *was* progressing. Sir George was anxious that this money might have been used in getting out emigrants, but Mr. Labouchere was of opinion that it should go towards paying back some of the grants. He, however, was relieved from further troubles in these matters, as he handed over the seals of his office to Lord Stanley, who made short work in connection with the reduction. On April 23rd, 1858, Mr. Trevelyan wrote from the Treasury "In the present state of the country's revenue it appears to be highly desirable to limit the votes to be proposed to Parliament to the smallest possible amount." In view of this, Lord Stanley told Sir George Grey that "My Lords now look for the

(1) Before 1856 a revenue could hardly be said to exist. In that year it amounted to only £3,698. On January 20th, 1859, Sir George Grey estimated it at £22,183, so some progress must have been made. Between April 14th and November 9th, 1859, the drafts on account of British Kaffraria amounted to £27,650. This expenditure occurring within seven months, is at the rate of £47,400 per annum. It would have been quite impossible to permit such heavy demands upon British funds to continue.

fulfilment of the promise that a large reduction would soon be made. The sum of £40,000 has been granted for each of the years 1856, 1857 and 1858. Her Majesty's Government would not be justified in disregarding the intentions of the British taxpayer, by whom such ample contributions have already been made. I have come to the conclusion that in the present state of the English finances a vote of one-half of that obtained in the three preceding years is as much as can with propriety be demanded from Parliament. I have therefore recommended to the Lords Commissioners of the Treasury to submit an estimate for £20,000. The account so far stands as follows :—The sums voted for promoting civilisation will have been £140,000; for expenses incurred and paid for the passage, settlement and pay of the German Legion, will have been £210,000, making a total of £350,000. Besides this, a vote of £3,000 will be required to pay for the Legion next year, and there is an outstanding item of £3,500 for extra pay last year. This expenditure is undoubtedly better than a Kaffir war, but I am sure you will perceive that it is quite inconsistent with the supposition of any want of liberality on the part of Parliament or any want of confidence in the authority entrusted with the management of British Kaffraria."

In June of 1858, therefore, Sir George Grey learnt with dismay and anxiety that the grant was to be cut down to £20,000. This placed him in considerable difficulty. Having received no previous notice of this, he had made commitments which he now saw to be almost impossible to be carried out. During the first three months a sum of £14,000 had been distributed, leaving £26,000 to carry on with for the rest of the year. The annual estimate for maintaining the various activities of British Kaffraria was £39,900. He foresaw the abandonment of the industrial institutions, except in so far as they could be supported by their own missionary societies; the abolition of the pensions to the chiefs, the stoppage of the survey work and, consequently, the delay in the settlement of the lands. In short, he saw a breaking of faith all round, the prospect of the natives relapsing again into barbarism and the loss of all that had already been spent. He protested against being held responsible for the £210,000 which had been spent in connection with the German Legion. This was no affair of his. Neither he nor the Colonial Parliament had asked to have these men sent to the Colony. Great Britain had foisted them upon the country in order to free herself from a difficulty and the payment which would have had to be made in discharging them. Moreover, they had acted as regular troops and, therefore, there was no reason why, any more than the ordinary military force, they should be a charge to the civil government. "The expenses incurred for that service were as to their nature entirely beyond my control. They were incurred in fulfilment of conditions which the Home Government

had entered into with the German Legion. All I did was to carry it out as economically as possible."

In the unpleasant difficulty in which he found himself he advanced from his own private purse a sum of £6,000, which was paid into the Treasury to the public account of British Kaffraria. Then, exercising as much economy as was consistent with safety, he managed to avert the consequences of this sudden deprivation of necessary funds.[1] The money was afterwards refunded by the British Government.[2]

In 1861 the annual grant was decreased to £15,000 and in 1863 the British Government decided not to apply to Parliament for any further outlay on British Kaffraria.

In his speech at the opening of the session of Parliament in 1859, Sir George Grey, in connection with British Kaffraria, said: "It is impossible that the state of things now existing in British Kaffraria can be permitted much longer to continue. That territory is constantly increasing in wealth and importance and the number of its European population augments with these[3] yet it is left without courts suited to its wants and without any form of government which possesses even the shadow of freedom, while the greater part of its customs duties on its imports are received by the Colony of the Cape of Good Hope." What was to be done with British Kaffraria? Two questions as to its future management were under consideration; one was to give to it its own separate government and management, the other to make it a part of Cape Colony and bring it under the rule of Cape Town. As will be seen, Sir George Grey was very strongly opposed to the former as he considered it a very unwise policy to create a number of separate and different governments in South Africa, as had already been done at this time in the formation of the Orange Free State and the Transvaal. His idea was federation, the attempted introduction of which brought him into trouble with the British Government.

As the charter of 1850 authorising a separate government for British Kaffraria had never been promulgated—in fact, its existence seems to

(1) The missionary institution of Zonnebloem near Cape Town found itself in difficulties in consequence of the curtailment of the parliamentary grant. This creation of Sir George Grey was making excellent progress and necessary additions to the staff were on their way out from England when for a time it appeared there would not be the wherewithal to pay their salaries. The Duke of Newcastle, who had replaced Lord Stanley, thought that Sir George Grey and the Bishop of Cape Town had not only been wanting in sufficient foresight to cut down expenses, but had actually increased them. However, £1,000 were granted for 1862 and £5,000 for 1863.

(2) This is on the authority of W. L. Rees in his Life of Sir George Grey. But in his speech at the opening of Parliament in 1859, Sir George says he took from the revenue of the Colony the sum of £6,000 sterling for the use of British Kaffraria to be hereafter repaid from the revenues of the dependency of the Crown.

(3) The population for British Kaffraria at this time (1858) was 38,559 natives, 1,154 Germans, 2,994 other Europeans. By 1861 it had risen to 81,353 natives and 6,750 Euorpeans. The increase in the number of natives was due to the return to their own country from the Colony.

have been forgotten—another one of a similar tenor was issued on March 7th, 1854. Its provisions conflicted greatly with Sir George Grey's policy of the non-establishment of a number of separate and independent governments. In the manner characteristic of him, namely, that of acting upon his own judgment and discretion regardless of the dictates of distant superior authority, he delayed giving effect to it. The country to which it applied (he said) was separated from the Colony by only a small stream, the Keiskamma River, which was fordable almost anywhere in its entire length; it was a country not one-third as large as an average district of the Colony, which was managed by a civil commissioner at £500 per annum. The expenses of maintaining the proposed new government would be out of all proportion to the benefit to be derived from it; its Lieutenant-Governor and deputy alone would cost £2,600 per annum. Expensive establishments such as a law adviser, heads of survey and public works departments and other officers would have to be called into existence, all of which would be quite unnecessary if British Kaffraria became a part of Cape Colony. As a further reason for his delay he pointed out that if once the new government came into existence it would be difficult to get rid of it in the event of annexation being eventually found to be the wiser policy. "I conceive that our policy is clearly to let British Kaffraria at the earliest possible period lapse into Cape Colony as one of the smallest of its several divisions, otherwise there cannot be uniformity in all sorts of procedure between Cape Colony and British Kaffraria." So far, he tells us, he had from time to time simply extended by proclamation to British Kaffraria such laws of the Colony as were suited to its circumstances. Under this system all had worked well.

The British Government was evidently swayed by Sir George Grey's arguments, for in a despatch dated May 21st it was stated that it was considered desirable to include British Kaffraria in the Colony, but it was thought that the Cape Parliament would not consent to it. They were quite right, as will be seen. Sir George Grey's annexation proposal was not well received in Parliament. In fact, it met with practically unanimous opposition. The question was referred to a select committee. In a short time this committee was able to report "that regard being had to the extent of the Colony as it is at present, it would be highly inexpedient to enlarge its present limits by the annexation of, or incorporation of British Kaffraria." In other words, Parliament would have nothing to do with it; so the matter, for a time at all events, dropped. Before this resolution had been passed by the Government a startling effect was produced in British Kaffraria itself by the annexation remarks of Sir George Grey in his opening speech. In the shortest possible time a public meeting was convened in King Williamstown. It was held on April 4th, and was perhaps the largest public meeting which, up to that time, had gathered in the Kaffrarian metropolis. The anti-annexation agitation spread throughout the Colony, both in the East and West, though in these two cases

probably from different motives. The essentials of the King Williamstown speeches were that it was with great satisfaction they had observed Sir George Grey's remarks about the progress and prosperity of British Kaffraria, but with reference to the threatened annexation they indicated that they were determined to resist it; they desired to remain under the Imperial Government with a local legislation adapted to the wants of the province and to be associated with the Colony in some form of federation. The resolution passed at the meeting was: "This meeting is unanimously of opinion that the proposed scheme of annexation to the Colony will not meet the wants and requirements of this province." A committee was appointed to draw up a memorial to the Governor expressive of their views. In the tone of the speeches of this meeting, as well as in the Eastern Province press, it was clear that the question of separation of East from West was still uppermost in the Eastern mind. In the memorial, signed by 161 names, it was feared that "from its peculiar circumstances its (British Kaffrarias') interests might not meet with that degree of careful consideration they have hitherto received during your Excellency's enlightened administration." They wished to be unfettered by a dangerous interference from Cape Town—at the remotest corner of South Africa—by people unacquainted with the geography of British Kaffraria and ignorant of the native character. Another proposal, obviously with a view to separation, was to annex British Kaffraria to the Eastern Province and have one government for the combined territories. But the end of all this was not yet. For some time, especially during 1858, the despatches from the Colonial Office had, in tone, been expressive of dissatisfaction with, if not of active hostility against, Sir George Grey. For reasons yet to be detailed, he was recalled, that is, dismissed from his high office. He took passage to England on August 21st, 1859. But before he arrived on the English shores, a change of Government had taken place and he was reappointed Governor of the Cape. He returned to the Colony, arriving in Cape Town in July of 1860. During a part of his short visit to England he was honoured by Her Majesty Queen Victoria, who had the greatest regard for him, with an invitation to stay at Windsor Castle. While there Sir George Grey persuaded Her Majesty to permit her young son, Prince Alfred, to sail to the Cape and make an extended pleasure tour in South Africa. Shortly after the return of the Governor, the young prince, as a midshipman on the *Eurylus*, reached Simon's Town, July 24th, 1860. Then commenced a series of festivities and a long journey through the Colony, Free State and Natal.(1)

He was accompanied by Sir George Grey, who could not then pay any attention to the political matters of British Kaffraria. Be it said that up to this time the Letters Patent had not been promulgated and British Kaffraria was still uncertain as to whether it was to be

(1) For details of this tour, vide "The Progress of H.R.H. Prince Alfred through Cape Colony, British Kaffraria, Orange Free State and Natal in 1860." Saul Solomon & Co., Cape Town.

annexation or self-government. Sir George Grey, out of courtesy to the Prince, would receive only addresses and expressions of congratulation and homage. The anti-annexationists, however, lost no opportunity in pressing their case, even on this occasion. In the address to the Prince it was stated that H.E. Sir George Grey having publicly announced that by authority of Her Majesty he was about to take steps which would erect this Province into a separate dependency of the Crown, "we feel peculiar pleasure in welcoming your Royal Highness on the eve of an event with which your visit will be identified." After the departure of the Prince from South Africa, Sir George Grey returned to King Williamstown. A public meeting was held and the inevitable address was prepared. A deputation presented this to the Governor. The result of the interview far exceeded their most sanguine hopes. They received promises that Crown lands would be granted for public works, that the water-course should become public property, that there should be a drawback on the double duty which was paid on goods shipped from the Cape or Port Elizabeth, and that an engineer should be sent to inspect and pass an opinion on what was necessary for the further improvements of the East London harbour. On October 26th, 1860, the long-delayed Letters Patent were promulgated, and from that day British Kaffraria became, for a time, a separate province of South Africa. Great was the jubilation in that country when this great end was reached and there was no further fear of annexation. Fortunately they could not see that their joy was to be but short-lived; on this same day Col. Maclean was appointed Lieutenant-Governor at £1,200 per annum; and in due course British Kaffraria had its secretary to government, judge, attorney-general, registrar of deeds, surveyor-general, high sheriff and civil engineer. But the Executive Council which was authorised was never appointed, and thus the people still had no say in the management of their own affairs, an omission which was to have been remedied. The capital of British Kaffraria, King Williamstown, was erected into a municipality. Between the wars of 1846 and 1850 there were about only 20 houses, and landed property to the value of about £2,000. At this time there were upwards of 300 houses and landed property to the value of about £200,000. Two churches were already built, and shortly after a grammar school (1) was founded.

(1) For the education of Europeans, so much having been spent on natives, Sir George Grey, in January 1861, granted a sum of £500 for the erection of a grammar school in King Williamstown, provided that the Bishop of Grahamstown would raise a like sum. He succeeded in getting a grant of that amount from the S.P.C.K. A grammar school therefore was commenced in April, 1861, "With a Cambridge graduate as head." There was some delay in completing the building as difficulty arose in obtaining further grants. It was practically a Church of England school. The missionary institutions of that church had been well supported by the Government. In fact, far better than others which had worked so much longer in the country. Payments to the different religious societies in British Kaffraria from July 1st to December 31st, 1859, were as follows:—Church of England, £14,842 10s. 10d., London Missionary Society, £1,350., Wesleyans, £1,100, Berlin, £283, Lovedale, £380, Total, £16,855 10s. 10d.

So that now civilisation was well established in British Kaffraria and King Williamstown had earned for itself a rightful place on the South African map.

Having accomplished so much in British Kaffraria and having earned the loving respect of so many thousands of natives, the good Governor was urgently called away from South Africa to go back to New Zealand, which, since his departure from that country in 1854, had again become an arena of turmoil. The British Kaffrarians realised that a new Governor would most likely find it difficult to take the place of Sir George Grey in their hearts and estimation. They therefore looked to the future with some uneasiness and probably feared for the safety of their independent government. He left on August 15th, 1861. Until January, 1862, General Wynyard again acted as Governor, when Mr. (afterwards Sir) P. Wodehouse took over the reins of government.

As in the case of so many other Governors of the Cape, Mr. Wodehouse arrived knowing little about its history and circumstances. But he certainly had learnt in England that very large sums of money had been and were still being spent on its maintenance, and he was impressed by the anxiety of the Lords of the Treasury to remedy this. In connection with British Kaffraria the deficiency in revenue in 1861 was made good by a grant from the Imperial funds of £16,055. And in 1862 the estimates for that year showed an expenditure of £51,732 with a revenue of £38,722.(1) Towards this deficit Her Majesty's Government granted £10,000, but it was clear that this continual drain on the Imperial funds could not continue. Hence the definite policy which Mr. Wodehouse determined upon was, if possible, to balance expenditure with revenue and not as that of Sir George Grey, who put the development of the country before the consideration of expense.

Within about a fortnight after his arrival, Mr. Wodehouse gave the British Kaffrarians their first shock by stopping all work at the East London harbour; and the second was his speech at the opening of Parliament on April 24th, 1862. He then showed unmistakably on the grounds of economy, his determination to do away with the separate government of British Kaffraria and to annex the country to the Colony. "British Kaffraria," he said, "is practically without a constitution, certainly without a legislature, and is suffering under the pressure of its inadequate finances. Everything points to the necessity of the closest union with the Colony and if that is to come about now is the time to effect it. With a united government, legislature and courts of law the West may freely extend to the East the advantages of its capital and other institutions." This statement shows that he

(1) The Revenue of British Kaffraria was greatly injured by the transport overland of goods which had been landed and paid duty at Cape Town and Port Elizabeth instead of East London and the sums added to the revenue of the Colony.

could have known nothing of the conflict between East and West, which had raged for so many years. This speech, instantaneously created great alarm and excitement in British Kaffraria. Large "No-annexation" placards were posted in the more populous places, and almost immediately public meetings were convened in King Williamstown, Stutterheim, Chalumna, Berlin, Komgha and other places. People from all parts attended. The gist of all the speeches and resolutions, which were perfectly unanimous, was that the people refused to surrender the privileges which had been granted to them under the Letters Patent; they deprecated most strongly the adoption of any measure which should place the seat of Government at a remote distance from the frontier. The devastating wars of the past might have been avoided had there been an independent power in the East; they violently opposed annexation; it has been proved that if a local government had watched over the affairs of the Border since the immigration of the settlers of 1820, four million sterling would have been saved to the Imperial Treasury in military expense by the prevention of Kaffir wars. A memorial embodying all these and other sentiments was drawn up for presentation to the Governor. It was signed by 377 persons. This was opportune, as very shortly after the opening of Parliament Mr. Wodehouse set out by sea for the East. He arrived in East London on May 3rd and proceeded straightway to King Williamstown. The reception accorded him, though respectful, left no doubt in his mind as to the feelings of the people. "No-annexation" posters greeted him everywhere and, instead of finding them ready to receive arguments to convince them of the wisdom and necessity of the change, he saw that they were prepared to do immediate battle against his propositions. A deputation with the memorial waited upon him. He replied at considerable length in a kind and conciliatory speech. He explained the motives underlying the suggestions he had made before Parliament. He assured them that he had come to this country with an unbiassed mind and with a conviction that the policy he advocated would best advance the interests of a united government. Having examined the finances and the deficiencies of British Kaffraria, he found it incumbent upon him to stop all public works, including the harbour at East London. He did not see how, with their limited revenue, they were going to maintain their government in an efficient state; it seemed to him absurd that so small a district should have a government all to itself. He did not expect (he said) to find on his arrival among them that the proposals made in his speech had been taken up so promptly and that in such haste they had repudiated his remarks on annexation without waiting to hear any explanations. He disclaimed, on his part, any intention to press annexation; he had neither the right nor the power to enforce such a measure; that rested with the Cape and Imperial Governments. In view of this important statement the deputation asked him to give his

answer to the memorial in writing. He did so in a letter dated King Williamstown, May 20th. But it was not a source of great satisfaction to the memorialists. It was very noticeable that in the letter no reference to his disclaimer of pressing annexation upon them was made. In view of future proceedings this omission was significant. Leaving King Williamstown on the 6th of May, he made a three-days' tour to the Kei regions, and in that short time having learnt all there was to be known about them, he returned to Cape Town.

Armed with all this quickly-gathered, but ill-digested, information and having to some extent relieved the minds of the Kaffrariâns in their concern for the maintenance of their separate government, Sir P. Wodehouse (as he now was) returned to Cape Town *via* Grahamstown and Port Elizabeth. He then informed the House of Assembly that the knowledge he had gained in the East had tended in the strongest manner to confirm the opinions he had expressed in his speech at the opening of Parliament. He told the House that though his proposals had been met with most emphatic dissent yet his full explanations had, at least, the effect of convincing the dissentients that they had acted with undue haste. He was not without hope, he said, that if the question were fairly and liberally treated by Parliament, the inhabitants would see that the welfare of all would be promoted by union with the Colony. Acting on this assumption, he introduced his *Incorporation Bill*, whereby this was to be brought about (May 30th). This Bill provided for the annexation of British Kaffraria and necessary changes, additions in the numbers of members of the Legislative Council and House of Assembly. As soon as this procedure on the part of the Governor became known in British Kaffraria there was the greatest surprise and alarm. It had been expected, in view of the fact that he had told them that no annexation should take place against their desires, that no further steps would be taken; and they were utterly at a loss to conceive what the Governor meant by saying that his full explanations had had the effect of convincing the dissentients that they had acted with undue haste. To indicate the feeling of the people and to give contradiction to his words, a public meeting of all Kaffrarians was held in King Williamstown on June 10th. About 400 from all parts of the district attended, some having travelled considerable distances. A number of resolutions were carried unanimously. The main ones were that annexation was prejudicial to the interests of British Kaffraria and contrary to the wishes of the inhabitants, and that any attempt, direct or indirect, to carry it out was a breach of public faith. Further, it was carried that a petition be sent to the Governor explaining their views more carefully and directly. In due course, the petition was drafted and sent to Cape Town. In it the petitioners expressed their regret at His Excellency's remarks to the House of Assembly, and his introduction of the *Incorporation Bill* after

his expressed declaration that annexation should not take place against their expressed wishes; they took exception to the charge of having acted with undue haste, as the question had been discussed during the previous three years; they were firm in the conviction of the capabilities of British Kaffraria to continue an independent territory, and that in the event of the Cape Parliament entertaining the passage of such a Bill that a petition, signed by all the inhabitants protesting against it, be sent to Her Majesty the Queen. In an answer from the Governor, dated June 21st, 1862, he promised to bring the matter under the consideration of the Secretary of State, but he hoped that some of the inhabitants of British Kaffraria might be disposed, like himself, to view the incorporation with the Cape as likely to promote its interests. To no one, he said, would it afford greater satisfaction than to himself if, contrary to his expectations, the continuance of a separate government for British Kaffraria did not excite much disappointment by checking its prosperity and development, and cause serious trouble, not only to its inhabitants, but to all Her Majesty's subjects in this part of South Africa. The Bill came before Parliament on June 25th, and after a three days' debate it was thrown out, the Cape Parliament would not consent to the annexation of British Kaffraria. In spite, however, of this rejection and the practically unanimous determination in British Kaffraria, Sir Philip Wodehouse did not give up hope of yet bringing about this annexation. In his prorogation speech on August 7th, he said: "I shall still look forward with hope to the time when I may be enabled to gain your assent to place the relations of this Colony with British Kaffraria on a more satisfactory footing."

In King Williamstown there was formed what was called a Committee of Observation, the object of which was to keep in touch with anti-annexationists who were living in the outlying districts and who were to spread and acquire information on all matters connected with the policy they were determined to resist. This last remark of the Governor set them in action. In view of it, it was felt that the rejection of the *Incorporation Bill* by Parliament was no guarantee of safety for the future. As a matter of precaution, therefore, and in the hope of overriding Governor, Parliament and Downing Street, it was decided to draw up and transmit immediately to Her Majesty the Queen a petition begging for her intervention. The petitioners emphasised the necessity for some responsible government in those parts in view of the enormously large preponderance of natives over Europeans—about eighty thousand of the former to fifteen hundred of the latter. To annex British Kaffraria to Cape Colony and to have the seat of government so far away as Cape Town was tantamount to provoking a Kaffir war, and this is what Sir P. Wodehouse was persevering in pushing; albeit the Cape Parliament had rejected a motion

to that end. Had a local government watched over the border since the arrival of the 1820 Settlers there would not have been the loss of life and treasure which all have so deplored. Four millions of money would have been saved to the Imperial Treasury on military expenditure in the prevention of Kaffir wars and one million on colonists' property and hundreds of lives. They prayed that Her Majesty would preserve intact the provisions of the Letters Patent; they urged the occupation of the Transkei by Europeans on the same defensive system as that which was succeeding so well in Queenstown, and they pointed out that it was practically uninhabited except by the body of mounted police which took charge of it after the expulsion of Kreli and his people.

The petition in due course went to England, but little satisfaction was derived from the Secretary of State, who, on January 22nd, 1863, answered it by saying that he was unable to advise the Queen to comply with it.

Undeterred by this setback and as determined as ever to try every constitutional means to attain their end, they decided next to approach the House of Commons. There the matter was already being dealt with, but in a manner which was not to their liking. In fact it was clear that circumstances were undermining the little government of British Kaffraria and that it was doomed to disappearance. In the territory itself there was a small party of those who had received grants of land who were in a measure working for annexation. On July 5th, 1864, the Governor was much pleased in receiving an anti-anti-annexation petition, signed, among others, by J. Gordon Sprigg, expressing their regret that British Kaffraria had been so long unannexed; they considered the country to be too small and the inhabitants too few to maintain the separate government then existing. And in the Colony there was another party who advocated annexation, but with ulterior motives. The old separation question was as ripe as ever and as ripe as ever was the Western opposition. It was felt that if British Kaffraria were annexed to the Eastern Province the Province thus enlarged would necessitate the much-longed-and-fought-for government in the East and a separation from the much-disliked Cape Town.

While all this was in progress a somewhat mysterious affair was greatly perturbing the minds of the frontier colonists. It is not clear whether it had any connection with the demand for government in British Kaffraria or the East—not impossible it had. There was a rumour that exiled Kreli with his many scattered adherents who were flocking to him was meditating an attack on Sir Walter Currie and his mounted police, with a view to recovering his lost country. Sir Walter himself believed it and may even have started it. Alarmed, he asked that troops might be sent up from Cape Town, and

every precaution taken against attack. Investigation made by the Transkeian magistrates showed that there was not the least cause for alarm, that Kreli was perfectly peaceably disposed. But it was stated to be true that Kreli was living beyond the Bashee in misery, surrounded by those who were not well disposed towards him and in a territory which was too small for his tribe. There was thus the seed of future trouble. The rumour created a panic amongst the farming community and there was serious talk of going into defensive laagers. Their former experience of Kaffir wars and their well-founded distrust in Kreli caused them to look upon the rumours as a possible presage of another Kaffir war.

The inevitable public meetings were held when there was plain speaking. It was considered that Sir P. Wodehouse had not treated the rumours sufficiently seriously and that he bore no good feeling towards the Eastern Province. The expected trouble, so it was averred, was an argument for a resident government in those parts. Perhaps this was the pith of the whole matter. It was stated that when it was brought before the Governor he accused them of disloyalty and endeavouring to force on a war with the natives. A reply was sent to the Governor by the Eastern members of Parliament, in which they expressed their surprise and regret that he should so have answered their respectful communication and disavowed in the strongest terms the implied censure. They reiterated their opinion that the presence of the High Commissioner on the frontier was necessary in order to allay the present panic. A memorial was sent to the House of Assembly by the farmers and inhabitants of the Eastern frontier protesting against having been falsely accused of having wickedly originated and circulated rumours of war and having been actuated by the basest motives in the hope of the pecuniary advantages which might be reaped thereby; they were still struggling, they said, with the effects of the ruin and poverty caused by former Kaffir wars. "Your petitioners indignantly repudiate the vile calumnies; the warnings on former occasions were unheeded." They enclosed a number of letters and extracts dealing with former outbreaks. Time afterwards showed that the rumour was false and that the alarm was without any foundation.

Governor Wodehouse evidently commiserated with Kreli, for he took him into his favour and permitted him to occupy a part of his old country and allowed him £100 per annum so long as he behaved himself. The territory allotted to him was the present districts of Kentani and Willowvale. The Transkeian territory was a perplexing problem. It was separated from British Kaffraria only by the Kei River, which was fordable in most places. A hostile people outside British jurisdiction occupying it, as so often had been the case, was a danger to British Kaffraria and indirectly to the Colony. After the expulsion of Kreli and his people in 1858 it was practically uninhabited

by natives and in the hands of Sir Walter Currie and his frontier mounted police, who continually patrolled it. It could not be left indefinitely in this state ; and for the sake of safety Kreli could not be permitted to occupy the whole of it again. A suggested solution of the difficulty was that it should be given out in farms to Europeans, as it was a fertile country and one much to be desired. For their protection a force called the " Irregular Horse " was to be established. A more comprehensive scheme of Sir P. Wodehouse was to locate in it tribes of Kaffirs and Fingoes who were then living in the country on the west of the Kei, and to allow the lands thus vacated to be allotted to Europeans and, further, the Transkeian lands then still available were also to be given to Europeans. To induce the Cis-Keian natives to settle across the Kei they were promised much larger lands than they then occupied, there would be no hut tax, they were to be entirely independent of British control and the chiefs were to be allowed to continue to draw their money grants from Government. This scheme was only partially successful. The Fingoes rose to the occasion. Some forty thousand left the Colony and occupied a tract of country about 1,200 square miles in extent, comprising the present districts of Nqamaque, Tsomo and Butterworth. But neither the Tambookies nor the Gaikas would move. On March 16th, 1865, Mr. Brownlee held a great meeting of Gaikas at his residence. Pursuant to his messages on the early morn of that day, Gaikas, mostly on horseback, led by their different chiefs and councillors, poured down from the mountains in bodies of fifty and a hundred. They squatted down, talked, smoked and watched with satisfaction the killing of the bullocks and sheep which were to be cooked for their refreshment. At the opening of the circle sat Sandilli in his tiger-skin kaross. Anta and Oba were also present. Mr. Brownlee then addressed them. He told them he had a short but weighty word for them from the Governor. He then described the good things which were in store for them if they go across the Kei and live there. Sandilli refused to listen to the voice of the charmer. He immediately stood up and said: " I do not know the land beyond the Kei ; I have not grown up there ; we like to die here ; we do not care if the land beyond the Kei is large or small ; we are satisfied with that in which we live ; the Governor must not take you away from me." This last remark referred to Charles Brownlee (Challis as they called him), who was greatly loved by all the natives, especially the Gaikas. He could influence them to do almost anything he asked them to do. In the end the British Government decided to abandon the Transkei ; so abandoned it accordingly was. Much to the disappointment of the would-be European settlers, no land was to be given to them, as it was felt that the maintenance of the proposed " Irregular Horse " would be too costly and they could not live without its protection.

The question of annexation was, for a time, overshadowed by the panic, but it was by no means dead. Unknown to all in the Colony,

it was being furthered by some negotiations which were in progress between Sir P. Wodehouse and Mr. Cardwell, the Secretary of State. Undaunted by the refusal of the Cape Parliament to pass his annexation Bill, Sir P. Wodehouse determined to appeal to the British Parliament to exercise the constitutional power it had of overriding the decisions of the Colonial Parliament. On September 25th, 1864, Sir P. Wodehouse told Mr. Cardwell "that Her Majesty's Government had brought into existence this separate colony upon a scale which its existing revenues are altogether inadequate to maintain. Up to this time it has been enabled to meet its liabilities by means of grants from the Imperial Treasury, but these grants have ceased and only two days ago I found myself under the necessity of borrowing £5,000 from one of the local banks for the purpose of paying the ordinary debts of the Colony." Mr. Cardwell did not need much persuasion to approve of annexation. He was of opinion that British Kaffraria was much too small to constitute itself a British Colony, too small to provide the materials for a government. The Imperial Parliament maintained so large a force for the defence of South Africa that it had a fair right to insist on some arrangement whereby this burden might be lessened. It was to this end that the division between the two colonies should be done away with. Mr. Southey, the Colonial Secretary, pointed out that the English Government expended upon the Colony an annual sum equal to the Colonial revenue, and that when wars broke out the amount ran into millions. The Imperial Government, he said, had a right to see that steps were taken to prevent this vast expenditure. Mr. Cardwell hoped that the concurrence of the Cape Parliament would be obtained and that the annexation would take place with the cordial assent of both parties, but such an assent on the part of the Cape Parliament was not indispensable. It would have been better if the Cape Colony itself had taken the initiative in this matter. If we wait until it does it is not likely that it will ever come about. As it was not the intention of Her Majesty's Government to have this question any longer open to protracted and indefinite delay, there will, therefore, be an Act of the Imperial Parliament containing provisions which will render annexation practicable even though the Cape Legislature should fail in the ensuing session to be in agreement with it. Such an Act was passed on March 27th, 1865.[1] But it was only to

[1] It was Act 28 and 29 Victoria, cap. 5. It was called an "empowering" Act, that is one which permitted the Cape Parliament to bring about annexation, but it reads more like a compelling Act. It enacted that British Kaffraria be annexed and that it be divided into two electoral divisions. There was provision for the legal matters then before its Courts of Justice being uninterfered with and others pending to be dealt with in the Colony. And "Until the Parliament of the Cape of Good Hope otherwise provides, there shall, from and after the Incorporation, be payable every year to Her Majesty, out of the revenue accruing within British Kaffraria after the Incorporation, the sum of £18,225 for defraying the expenses of the several services described in the schedule of the Act." The Schedule was salary of the Governor and High Commissioner £1,000 and for other civil servants, including compensation for loss of office, £17,225. "All revenues accruing within British Kaffraria shall be taken to be part of the revenue of the Colony."

come into force in case the Cape Parliament should refuse to annex the little colony of its own accord. The fat was in the Colonial fire when Sir P. Wodehouse made his speech at the opening of Parliament on April 27th, 1865. The speech was of great length and dealt with many subjects. The following, in short, are his remarks in connection with his appeal to the Secretary of State : " From the very commencement of my connection with this part of Her Majesty's dominions, I have been strongly impressed with the error which was committed when these territories were first erected into an independent colony—an error which was committed in opposition to the convictions of my predecessor in the Government." Enumerating then the disadvantages and difficulties which arose from British Kaffraria being a separate colony, " it became," he continued, " my duty, therefore, to consider whether in the real interest of both colonies I should passively witness the perpetuation of the existing evils or, without loss of time, make an effort for their removal. I therefore resolved to recommend a recourse to that paramount Imperial authority by which such an arrangement between two independent Colonies must in some form be sanctioned, and from which it was my duty, as Governor of British Kaffraria, to obtain a guarantee that the smaller colony should obtain its fair proportion in a united Legislature. I desired to see this effectually accomplished without a compulsory disturbance of that balance of interests in the two Houses of Parliament which was created by the Constitution Ordinance."

This speech, or rather those parts of it which referred to the annexation, caused considerable consternation and plain speaking in Parliament. In the long debate which commenced on May 22nd, 1865, Mr. Saul Solomon, in anger, spoke at great length. He accused Sir P. Wodehouse, by his alarms and advice, of secretly aiding and abetting the British Parliament in violating the Cape Constitution. According to Mr. Solomon, the whole object of the intrigue was not only to shift upon the Colony the burden of the expenditure of its own defence, but also that of an additional territory which had been acquired for Imperial reasons and now arbitrarily annexed to Cape Colony; no indication had been given that such a step was contemplated; the Cape Parliament had been ignored and the negotiations and the Bill leading to the Imperial Act had been brought before the British Parliament unknown to the people at the Cape; if the Cape Parliament could be over-ridden in this manner, it was a mere empty sham and we were really being governed by Downing Street; it was clear, Mr. Solomon said, that Sir P. Wodehouse, in his anxiety to serve the Home Government, had overlooked the interests of the country he was paid to govern. He (Mr. Solomon) would not deny that the British Parliament was a paramount power which could over-ride the Cape Parliament, but it was a power which had to be used very cautiously;

when we see it exercised arbitrarily and despotically we should be unfaithful to our duties if we did not resist it in a constitutional manner. In the end Mr. Solomon proposed a resolution of tremendous length. It was divided in eight parts. In short, it was that this Act of the British Parliament was a violation of our constitutional rights without our having had any opportunity of making ourselves heard; that without our consent this Act incorporates a Crown Colony, formerly separate and distinct, and gives seats in the House of Assembly to four new members; it burdens the revenues of the Colony with the current expenditure of British Kaffraria as well as its debts which are the obligations of the Imperial Government and cannot with justice be thrown upon the Colony; the occupation and government of British Kaffraria were measures of the Imperial Government on which the people of the Colony were in no way consulted and for which they are in no way responsible; the Governor being invested with the power conferred by the Imperial Act of bringing it into operation by his own proclamation, without reference to this Parliament, is an exercise of arbitrary and despotic power to which we ought not tamely to submit—a gratuitous indignity put upon the Parliament—the harder to bear as Sir P. Wodehouse has long ceased to possess the confidence of this House and the people of the Colony, towards whom he has shown a disregard for their interests and an indifference to their feelings; for these and other reasons the House now protests against the unconstitutional and unjust Act of the Imperial Parliament. Mr. Molteno seconded this resolution. Mr. Rutherford, the member for Graaff-Reinet, while being in favour of annexation, agreed with Mr. Solomon in his condemnation of the action of Sir P. Wodehouse. But he considered some of the terms of the resolution too strong and proposed less harsh ones. Instead of "violation of our inherent rights," he proposed "and arbitrary interference with our rights." Instead of "tamely submit" "to submit without remonstrance." With these and a number of other amendments the resolution was eventually passed, notwithstanding the great eloquence of the famous Attorney-General, Mr. William Porter. In a speech of great length and with the eloquence which was so characteristic of him, he perhaps as was his duty, acted in a measure as counsel for the defence of the Governor. He disapproved of the censure which was being heaped upon him; he maintained that the Imperial Parliament was absolute throughout all the colonies of the Crown; law and constitution knew no distinction between the power of the Imperial Parliament in Great Britain and the power of the Imperial Parliament of the Cape of Good Hope. It was a mistake to talk of the violation of inherent rights—rights which do not exist cannot be violated; the Imperial Parliament has violated no privileges and interfered with no rights we possess. At very considerable length he supported his contention by reference to Canada, Jamaica and the American Revolution.

The Treasurer-General followed in much the same strain. He disapproved of the plainly-expressed censure upon the Governor. He endeavoured to show that his so-called vacillating policy was due to the necessity of following the pressure of altered circumstances over which he had no power of control. The Home Government had decided to abandon the Transkei, or rather to refuse to be at the expense of maintaining there a force for the protection of those who were to settle in it; under these circumstances British Kaffraria could not stand alone. What course, then, was there but to include it in the Colony? When it was necessary for the Governor to deal with this matter, the Cape Parliament was not sitting, he had therefore no recourse but to appeal to the British Parliament. It seemed to him (the Treasurer-General) ridiculous for this insignificant little colony, speaking of it in comparison with the majesty of the Empire with its forty-six colonial dependencies, to set up its back against Imperial interference. Colonial politics, he continued, run high, difference of opinion is treated as a crime. "Colonial party politics are remarkable for the factiousness and virulence of politicians, for the prevalence of demagoguism and the roughness and even brutality of newspapers, in short, for carrying on public differences by making war to the knife, and always striking at the heart." The Treasurer-General did his best. The Colonial Secretary, of course, advocated annexation. He gave a history of the circumstances which led to British Kaffraria becoming a Crown Colony and supported the other members of the Government in defending the Governor. He considered he should go steadily forward; should do what he thought right and just without looking for the approbation either of the Colony or the Home Government, or that portion which happened to be in power. "I do not think," said he, "that a Governor is at liberty to risk the interest of the Colony in order to make himself pleasing to the people." He repudiated the idea that the British Government was burdening the Colony with the debts of British Kaffraria; it was not responsible for a single shilling of them. In making over British Kaffraria to the Colony it gives to the Colony ample means for meeting the expenditure which may be incurred and also provides ample means for paying debts; it offers Crown lands within the territory which, if sold, would pay its debts ten times over; and it hands over the revenue which for that year was estimated at £51,312. Its expenditure was £54,297, but this would be greatly lessened when expensive establishments then in existence were done away with. On the whole the Colonial Secretary made out a good case for the Governor.

Mr. Barry (Cape Town), quoting from authorities, pointed out that a Sovereign Government was despotic, subject only to moral restraint; all attempts to limit it by positive laws are nugatory. Blackstone, according to Mr. Barry, says the British Parliament can

do anything that is not naturally impossible, no act of a Sovereign Government can be illegal; it is itself the measure and standard of legality. The Imperial Government might, for instance, hang Mr. Solomon (Mr. Solomon: Not constitutionally), but there is one thing it could not do—it could not send Mr. Solomon to heaven; that would be quite impossible. (Great laughter.)

He (Mr. Barry) agreed to the annexation, but he could not see the necessity for the Imperial Act; he did not think anything had happened to show the necessity for the Governor's action; was it not his duty, seeing the country had representative institutions, instead of applying at once to the Imperial Parliament to leave it open to the Colony and British Kaffraria to consider the matter? The facts would then have been before the Imperial Parliament, which would not then have legislated in the dark. The country had not been treated fairly. Other members spoke at considerable length. The general trend of the speeches, excepting those of the officers of the Government, was that of protestation against the arbitrary acts of the Imperial Government and of its too-obedient servant Governor Wodehouse. A bold and decisive answer to him was advocated. The Colony, it was said, had been much too compliant in the habit of submitting to dictation. The Kaffrarians, on their part, believed that as a Crown Colony, Great Britain was bound to protect them and that in the event of their absorption into Cape Colony the Imperial troops would be withdrawn. Cape Colony, on its part, feared the financial burden which would be imposed upon it in having to shoulder the responsibilities and duties which, they maintained, belonged to the Imperial Parliament. Why, it was asked, did not that august body, before proceeding to annexation, collect and liquidate the outstanding debts of British Kaffraria and make compensation to those who would lose office. Mr. Saul Solomon, the man of very small stature but very big brain, in his long reply to the debate, held his own even against the redoubtable and eloquent Attorney-General. It was not his intention, he said, to discuss the merits or demerits of annexation, but to question the behaviour of the Governor, whose apparent policy was to allow Parliament to *say* what it liked so long as it allowed him to *do* what he liked. He (Mr. Solomon) hoped the House would adopt the amended resolutions. With one dissentient vote they were passed. It was further resolved that they be sent to the Governor accompanied by a respectful address and a recommendation that they be transmitted to the Secretary of State.

A Select Committee was appointed to draft the address and present it. The following is that part of it which refers to British Kaffraria. "We regret, however, to learn that it should have been considered necessary to have recourse to the authorities in England to introduce a Bill in the Imperial Parliament for the annexation of

British Kaffraria to this Colony without the colonists being at all aware that such a grave step was contemplated and without their being able to make their views known before such a measure was finally adopted. We cannot conceal from your Excellency our well-grounded fears that this proceeding has tended to shake the confidence of the inhabitants and the Government as at present constituted—when, without any further appeal to the local Legislature the Constitution so graciously granted by Her Majesty has been virtually set aside without adequate cause and territory annexed requiring very exceptional legislation. We confidently trust that the steps thus taken may not entail additional burdens upon the inhabitants—the colonial expenditure already amounting to more than the revenue warrants, and unable, as the colonists are, to bear any additional taxation. We consider, however, that we would be wanting in the duty we owe to the Colony were we not respectfully, but at the same time firmly, to remonstrate against any additional responsibilities being thrown on the inhabitants by the measure thus adopted by the Imperial authorities." In answer to this the Governor sent the following tactful and non-committal reply: "I have to thank you for the attention you have been pleased to bestow on the observations I addressed to you at the opening of the session of Parliament. I trust that I may find a more convenient opportunity than the present for vindicating the course I thought it my duty to follow in respect to the annexation of British Kaffraria to the Cape; the result of which I am confident will prove highly advantageous to the people of both Colonies, and I acknowledge with pleasure the assurances now given to your determination to devote yourselves to the careful consideration of the measures that have been recommended to you by the Government."

(To Mr. President and Gentlemen of the Legislative Council.)

His defence and vindication of his actions he made in his prorogation speech on October 10th, 1865. In spite of the hard words against him which had been uttered during the session, he showed no resentment, but coolly and impersonally stated his case, and although he had been told that he had lost the confidence of the country, he showed that he had unflinchingly followed the line of duty and had been actuated by the best interests of both British Kaffraria and Cape Colony. "I was informed in the early part of the session," he said, "that the course I had adopted in respect to a matter which has for some time greatly engrossed public attention, viz., the annexation of British Kaffraria, was calculated to deprive me of that confidence of Parliament which is so essential to the proper conduct of affairs. Parliamentary confidence is ordinarily tested by the acceptance or rejection of the measures proposed by the Government of the day,

and when I considered the many demands I had been compelled to make on the confidence of both Houses, and the many important measures which, at the suggestion of the Government, had become law, I was bound to recognise the value of the support that had been given and should not on slight grounds have put in jeopardy its continuance. But there may be occasions on which the Governor of the Colonies, entrusted with large executive powers, and bound to administer the Government with a true regard, not only to their interests, but also to those of the great Empire to which they are attached, cannot avoid exposing himself to the expression of Parliamentary dissatisfaction. I trust that neither I nor those who may succeed me may be deterred by fear of censure or personal responsibility from exercising conscientiously and to the best of their ability all the functions appertaining to the office of Governor of the Colony. In the case of British Kaffraria, it has long been manifest to me, and I believe to most of those who dispassionately considered the subject, that a serious political error had been committed when it was erected into a separate Colony, and that sound policy dictated a reversal of that act. It is, however, probable that this step might, though to no good purpose, have been somewhat delayed, but for the passing in the last session of Parliament of the resolution for taking the census with a view to the revision of representation. It then became clear that the Government would be expected in the session of 1865 to propose a measure for that purpose, and equally clear that if British Kaffraria remained separate after that measure had been completed its subsequent union would be difficult to accomplish. I did not doubt that a proposal for its union would be considered and discussed by the Colonial Parliament; but I as little doubted that any practical result would be impeded by that unfortunate political division between the two extremes of the Colony, which mars all its chief interests, which causes the community to take a distorted and unkindly view of the most ordinary transactions, which lowers the tone of public discussion and which frequently tends to render the administration of the Government so wearisome and discouraging a task. I therefore at once decided on seeking Imperial aid, fully prepared to encounter as one of its first results, some expressions of local dissatisfaction. The resolutions of the House of Assembly did not surprise me. I transmitted them to Her Majesty's Government without comment; and I have up to this time abstained from again calling their attention to them. I have waited; I have been a spectator of the persevering industry with which, almost from the day on which the resolutions were passed, that Parliament had been establishing my jurisdiction. I have watched the fruitless struggles to obtain the introduction of the Imperial Act made by many of those who had so strongly denounced it. I have seen faint attempts on the part of those who had so strongly denounced it. I have seen faint attempts on the part of individual members to restore

harmony result only in renewed divisions; and at last I have seen the Bills of the Government carried unaltered. These occurrences go very far to prove that I took a correct measure of the political situation—that if I had neglected my duty British Kaffraria would not have been annexed, that the constituencies entitled to representation would not have obtained it, and that the Legislative Council would not have been beneficially enlarged if I had shrunk from calling in the aid of the power which the constitution placed within my reach. In the confidence that long after my connection with the Colony shall have ceased, its people will fully recognise the benefits arising out of these changes, I gladly accept any responsibility which may attach to me as their promoter."(1)

The end of all this was the publication, on April 17th, 1866, of the following proclamation: "Whereas by an Act passed by the Imperial Parliament entitled 'An Act of the Incorporation of the Territories of British Kaffraria with the Colony of the Cape of Good Hope,' it was declared that if the Parliament of the Cape of Good Hope should make provision for the Incorporation of British Kaffraria with the Colony of the Cape of Good Hope and the Governor of the Cape of Good Hope as Governor of British Kaffraria should assent to such provision then from and after the date of such assent, British Kaffraria should become incorporated with the Cape of Good Hope. Now therefore, I the said Governor of the Cape of Good Hope do hereby proclaim and declare that I have, as Governor of British Kaffraria . . . assented to the provision made by the herein before recited Act of Parliament of the Colony of the Cape of Good Hope in Incorporating British Kaffraria with the said Colony of the Cape of Good Hope."

British Kaffraria then ceased to be a separate colony and the Great Kei River became the eastern boundary of the Colony of the Cape of Good Hope.

(1) Sir Philip Wodehouse was a man of considerable ability. Unlike most of the Governors who had preceded him, he was purely a civilian, his life, so to speak, had been more connected with the office stool than with the sword. At the age of seventeen he commenced his career as a writer in the Ceylon civil service and eventually rose to be an assistant judge in Kandy. After twenty years' service in Ceylon he was promoted to high office in British Honduras and in 1854 became Governor of British Guiana. His appointment to the Cape was at a time of financial stress and when, perhaps it may be said, a man more of the character of an accountant than a soldier was necessary, Sir P. Wodehouse was eminently the man to act on behalf of the British tax payer who was commencing to cry out against the large sums of money which were being expended on South Africa. He was imbued with a high sense of duty coupled with a disregard for either public applause or disapproval. He was dignified in discussion, lucid in the expression of his views and cool in a crisis. He was not beloved by the Colony and expressions of lack of confidence in him were not wanting, but with unruffled temper and often with great foresight he pursued the path which he considered best for the country.

CHAPTER IV.

THE ABANDONMENT OF THE SOVEREIGNTY AND AFTER.

The formation of the Orange River Sovereignty was never a source of gratification either to the British Government or to the Dutch of the country. The former looked askance at the possession of any increase of territory in South Africa with its concomitant increase of expense for maintenance and protection, while the greater number of the latter—as was made clear to Sir Harry Smith when he established it in 1848—were not anxious to come again under British rule. Instead, therefore, of the peace and order which he hoped thereby to bring about when he made that meteoric flight through the country, he only exacerbated racial feeling and made bad worse. After Boomplaats, which has already been described,[1] the Boers, without very good grace, submitted to the inevitable and again became British subjects. To add to their dissatisfaction there was imposed upon them, ostensibly in order to maintain peace, the onerous and unpleasant duty of having to interfere in the feuds and wars among the adjacent native tribes, who were called British Allies. The Boers regarded these quarrels as no concern of theirs and were disposed to let the natives settle them among themselves. They resented being called away from their homes and lawful occupations on the occurrence of every petty squabble among native tribes. Worse than this, the tribe against which they acted became their enemy and marked out these Boers for special attention when on their subsequent predatory forays. For neglect or refusal to go out on Commando, the Boers were fined and in some cases had their farms confiscated. This reluctance to take part in this uncalled-for interference in native quarrels was spoken of as failing to assist the British Resident in maintaining peace, and was given as one of the reasons for abandoning the country. Another source of continual irritation to the Boers was their lands being overrun by native hunting parties. Had they restricted themselves to the game, which was in abundance, it would not have been so bad, but they did not, the Boers' horses and cattle were too often considered as legitimate game.

Apart from the conflicts between the natives themselves there were, as more particularly affecting the Sovereignty, the warlike contentions with the Basutos in connection with the disputed boundaries

(1) *Vide* Vol. V. of this work.

between the two countries. Attempts had been made to define the limits of each, but they had not been settled. As a matter of fact Moshesh and his Basutos objected to any boundaries whatever, and surveyors had at times been in peril of their lives in attempting to carry out their work. " Had Sir Harry Smith, in his flying visit in 1848, taken more time and weighed well the wants of the country, he would have ascertained that the greater part of the details of his proclamation of February 3rd, 1848, were opposed to the interests of the inhabitants. Had he confined himself to the establishment of equitable boundaries between the white and black inhabitants of the country, proclaimed the Queen's sovereignty over the former, leaving the latter to settle their own international disputes, the recent misfortunes of the country would have been averted."(1) Major Warden was blamed for much of the disorder which prevailed. He maintained, however, that he had done nothing more than carry out the provisions of the proclamation of February 3rd, 1848. His was a most difficult position. With only a mere handful of troops and reliance upon an unreliable and reluctant civil force to support his authority, he had to govern a very large and heterogeneous population of Dutch, who were not enamoured with British rule, English land speculators, Basutos and other unruly tribes. He acted bravely, conscientiously, untiringly and with every intention and endeavour to do his duty and act in the best interests of the country. By this conduct he earned for himself in the end an ignominious dismissal.

The management or government, if it may be so called, of the sovereignty was that which was formed when the annexation first took place. It was a council which consisted of the Resident Agent, Major Warden, the four magistrates, namely, those of Bloemfontein, Winburg, Smithfield and Vaal River (Harrismith) and eight burghers. They were appointed for three years, so that in 1851 their time of office expired. The question had already arisen as to whether this simple arrangement should continue or whether there should be established a proper form of government under a Lieutenant-Governor with the usual departmental organisation, or whether the country should be abandoned altogether and allowed to take care of itself. On March 22nd, 1851, Letters Patent and instructions were issued from Westminster constituting the country a separate and distinct government. The instrument was sent to Cape Town, but it was pigeon-holed in the Colonial Office, forgotten and not acted upon. The reason of this was that it arrived at the time when the country was in the throes of the Kaffir war of 1850, and thus when Sovereignty matters had to sink into the background. When the document was discovered the time for its promulgation was past, as circumstances pointed to abandonment as being the wiser policy. On October

(1) Report of Sir John Russell, clerk to the Duke of Newcastle.

21st of the same year, Earl Grey wrote to Sir H. Smith and told him that the ultimate abandonment of the Sovereignty was a settled point in the policy of the British Government. "The rude government which has hitherto existed in the Sovereignty has failed to accomplish the object for which it was established. The authority of the British Resident has not been upheld and respected by either European or coloured colonists and they do little to help themselves. A complete organisation of Government with a garrison of 2,000 men is indispensible to maintain British authority. Without this the country cannot be retained with dignity to the Crown and fulfil the engagements which are inseparable from an assumption of Sovereignty. Unless, therefore, Great Britain is prepared to incur the necessary expense it would be better to abandon it as soon as it can be done with honour and equity. No advantage can accrue in maintaining it which would compensate for this expenditure." Sir H. Smith was very perturbed when he received this information. On November 11th, 1851, he told his Assistant Commissioners (Messrs. Hogge and Owen) that if Her Majesty's Sovereignty over that country were now rescinded, the step would be regarded by every man of colour in South Africa as an unprecedented and an unlooked-for victory to his race and be the signal for revolt or combined resistance to British authority from Cape Town to the territory of Panda, and thence to the Great Lake. "No measure during my administration of the Government has caused me so much consideration as that relating to the affairs of the Sovereignty. I am confident that if any change were made in the present state of things in the theoretical hope of gaining over a discontented party by yielding to their demands such a procedure would evince weakness on our part, fraught, as I have before stated, with every evil and perpetuate the belief that persevering resistance to Her Majesty's authority would ultimately ensure success. It would, at the same time, be not only disastrous to the parties now dissatisfied but would sacrifice to the vengeance of the disaffected those who have remained loyal and faithful."

These Assistant Commissioners were impressed by Sir H. Smith's views and were prepared to make the greatest efforts to bring matters to such an issue as might render the evacuation of the Sovereignty unnecessary. They thought this could be done by giving the people more the management of their own concerns, by limiting the powers hitherto exercised by the British Resident and by abstaining from interference in native disputes. They were of opinion that generally speaking, the relinquishment of power, territory and authority once acquired was a measure fraught with difficulties and numerous evils. Particularly in connection with the Sovereignty, the Government was in a dilemma, as that territory could not be retained or given up becomingly till British authority had been vindicated and relieved from the contempt with which it was regarded by both white and black.

Sir George Cathcart, who succeeded Sir Harry Smith as Governor, entirely disagreed with his predecessor respecting the Sovereignty. He strongly advocated abandonment on the grounds already mentioned. He considered, further, that circumstances then were such that the British Government was able to withdraw its authority from the Orange River territory without compromise of its prestige and dignity, though it is not clear why that time was more opportune than any other. But after his so-called "victory" at the Berea Mountain in December, 1852, where the "victory" was more on the side of Moshesh, who lost no opportunity of boasting to other chiefs that he was the only one who had beaten the English, Sir George Cathcart considered that then there could be no misconstruction regarding the withdrawal, that England's might and authority having been vindicated, it would appear to be a purely voluntary act, and not one of compulsion. He suggested to the Secretary of State that an able statesman should be sent out from England to perform the difficult and delicate duty. The Duke of Newcastle, in reply, said: "I have thought fit to accede to your strong recommendation that a duty of such difficulty and delicacy should be entrusted to a public officer selected with special reference to its nature." The officer appointed to the duty was Sir George Russell Clerk, K.C.B., a distinguished civil officer in the East India Company's service, and formerly Governor of Bombay. According to the commission and instructions issued to him, he was to be a Special Commissioner for settling and adjusting the affairs of the territories and for "Determining the disputes which exist among the natives and other inhabitants thereof," but nothing then was said about the abandonment or the release of the people from the allegiance to the Crown.

This gentleman arrived in the Colony in June, 1853, and on August 8th, after spending some time in Grahamstown, he reached Bloemfontein. The next day a deputation of the inhabitants waited upon him with an address of welcome and congratulation. They looked forward to the future, they told him, with hope, trusting the measures he might find it necessary to recommend would place the affairs of the territory on a firm and lasting basis; they left their welfare and that of their posterity in the hands of Her Majesty's Government. Sir George's reply was most chilling, he himself evidently felt it to be so. It would have been most agreeable to him, he said, to answer them in the manner they naturally desired, but he had to tell them that the Imperial Government had decided to relinquish dominion over that territory. Then, apparently regarding the deputation as fortune-hunters, he hoped that their investments and profits, whether in land or trade, would not suffer from the change. This announcement acted as a bombshell in the community. For months there had been rumours of abandonment of the territory, but they were treated as

rumours and had not been seriously discussed ; so heinous and heartless an act, so it was called, as to cut adrift the country from the protection of England was scarcely to be thought of, yet here was an utterance which dispelled all doubt and sealed the doom of the Sovereignty. As will be seen, there were two diametrically opposite views in this connection.

The commencement of the activities of the Special Commissioner was to instruct the British Resident (Mr. Green) to send the following notice to the magistrates : " Sir, Her Majesty's Government having determined to relinquish the dominion over the territories between the Vaal and Orange Rivers, I request that you will direct the field-cornets in your district to assemble the inhabitants of their wards for the purpose of electing delegates on the part of the European population to attend a general meeting to be convened at Bloemfontein on the 5th prox. (September) with a view of considering and determining on the form of self-government which must in consequence devolve upon them. Each ward will elect two delegates, who must be accompanied by the field-cornet and assistant field-cornets if they can be spared from their posts to the place of meeting.—Henry Green, Resident Agent."

The inhabitants of Bloemfontein were no less active. Excited and angry, they met at a public meeting in the old Government building on August 13th, four days after Sir G. Clerk's announcement. Their sentiments were expressed in very plain and emphatic language. A number of resolutions were passed, the gist of which was that they had heard with the utmost concern and dismay the determination of the Imperial Government to abandon the Sovereignty, that the honour of Great Britain was deeply implicated and that religion and morality would suffer incalculable harm in consequence. They decided to draw up a protest against the injustice of the decision and to send a deputation with it to Sir G. Clerk. This was done. Sir George did not give them much satisfaction. He agreed that the final abandonment should not take place for some time—they had asked for twelve months—as there was much to be done in the meantime. And as to the anticipated danger to religion and morality, he assured them that their fears on that head were quite imaginary.

Needless to say, the Special Commissioner was very unpopular, at least with a certain section of the inhabitants. Although none were actually rude or insulting to him, there was no lack of defiant language, in which full expression was given to the surprise and disgust at what they regarded as the shabby treatment of the British Government towards its own loyal subjects. Sir G. Clerk was perfectly callous to this public opinion and did not in the least allow it to influence him in carrying out the task which had been entrusted to him. He had no love for either British or Dutch colonists or for the country. In his

first despatch to Newcastle (July 12th, 1853) he asked to be allowed to return to England as soon as his work was finished. If the complete settlement of the Sovereignty affairs and the restoration of peace and order was his task, then, as will be seen, he left before his work was done.

In accordance with Mr. Green's notice of August 9th, 95 delegates —76 Dutch and 19 British—from the different parts of the Sovereignty met in Bloemfontein. The meetings lasted over four days and were held in the old Dutch Reformed Church. As a commencement, Sir George Clerk read his commission and then addressed the delegates. He directed them to prepare themselves to take over the territory whenever British jurisdiction should be withdrawn and to devise a form of independent government. He advised them to form a working committee from among themselves and to select a chairman. A committee of 25 was formed and D. Fraser was elected chairman. The others could then return to their homes.

On the next day, September 6th, an address was sent to Sir G. Clerk thanking him for his speech. "But," said they, "we all feel the deep interest and importance of the momentous announcement, but we are unable to conceive the reasons for such measures. There has been, on our part, no desire expressed for such a measure (as abandonment). There could be no misconception as to our loyalty; for though we have at times complained of misgovernment, that was because we had been aggrieved in not participating in the good government and protection which Her Majesty's subjects enjoyed elsewhere." They had observed that there had been no word about abandonment in his commission and wondered what his instructions really were. They therefore asked him to be pleased to inform delegates the extent of the powers entrusted to him and the measures he intended to adopt, especially if it was in his power to absolve them from their allegiance to the Crown. And they asked that his answer be given in writing. On the 7th he replied, but could tell them nothing more than that he was not yet in possession of the legal instruments requisite to effect the absolving them from their allegiance, but they were coming. With this answer the delegates were not satisfied.

The committee was formed, but they gave it to understand that they did not thereby acknowledge the equity of the decision of Her Majesty's Government or express any wish for the withdrawal of British authority. They (the committee) were instructed "not to receive this country from the British Government until the questions put to the Special Commissioner were satisfactorily answered and full authority received from the Imperial Government ratifying all his acts." The matters they wanted settled before they would consent to take over the country and those which Sir George Clerk might

reasonably have been expected to put right, but, perhaps through no fault of his own, in the end failed to do so, were the following :—

1. The settlement of the Griqualand question.
2. The adjustment of the boundary between the Basuto territory and the Sovereignty.
3. The question of the interference of the British Government between natives and the European inhabitants of the country.
4. A guarantee that the allies of the British Government or persons beyond the Vaal River should not molest the inhabitants of the Sovereignty, more especially with regard to confiscated farms.
5. Compensation for those who might find it necessary to leave the country and for those who had sustained losses by war or otherwise.
6. The share justly belonging to the Sovereignty of the Customs dues received at the ports of the Cape Colony and Natal, or the cession of a port in one or other of the Colonies.
7. The complete or conditional absolution of inhabitants from allegiance to the British Throne.
8. The settlement of all disputes regarding boundaries of farms as undecided by the various Land Commissions.
9. The cancellation of all existing treaties with natives.
10. Permission to purchase munitions of war unimpeded, etc.
11. The refunding of all fines unlawfully imposed and the restoration of payment for all farms unlawfully confiscated.

It was clear from the commencement that not only was this committee disinclined to assist the Special Commissioner but was determined to thwart him whenever it could. The settlement of the above-mentioned matter was imperative if peace and order were to reign in the country, but they were open to the suspicion that, considering the time which would be necessary to deal with them, they were proposed with a view to gaining opportunities for bringing about such measures as would prevent the abandonment. This opposition was re-echoed with considerable support in Cape Colony. Public meetings were held and numerously-signed petitions were sent to the Queen. They all of them expressed the deep regret and alarm with which they heard of the proposed abandonment, a measure (they said) fraught with calamitous consequences to both Europeans and natives ; highly prejudicial to the prestige of the British name and a blow to the increasing commerce of both territories. The following are the salient points of each :

Cape Town had hoped that so disastrous a step would not have been decided upon without time and opportunity being given to the

inhabitants, who better understood the circumstances of the country, to express their views on a subject so deeply involving their future welfare and prosperity; great will be the loss of capital and the ruin of many. They earnestly prayed for a continuance of British supremacy throughout South Africa and the institution of a form of government in the Sovereignty which would permit the inhabitants to manage their own affairs without throwing off their allegiance to the Crown. (50 signatures.)

Swellendam felt that the greater number of people in the Sovereignty, owing to their defective education and want of the means of mental improvement, were totally unfit to undertake the important duty of self-government; if left to themselves, they opined, they would sink into a moral and political condition which every friend to social order could not but deplore. (99 signatures.)

The Presbytery of Swellendam, including *Mossel Bay, George, Riversdale* and other places in these parts, expressed sentiments something of the same nature.

Grahamstown felt that the commercial interests of the Sovereignty were interwoven with those of the Colony; embarrassment of one country reacted upon the other; capital had been invested in reliance upon British protection; abandonment of the Sovereignty would destroy all confidence in the stability of British rule in every part of Cape Colony and the lives of the natives would be placed in jeopardy. (683 signatures.)

Uitenhage feared that if the Sovereignty could be cast off in this manner, the same fate may overtake this Colony. Further, they felt that in the native mind this recession would be regarded as a consequence of the British defeat at the Berea; they were at a loss to comprehend the strange procedure of a monarchical state encouraging the establishment on its borders of a republic which in time may become a dangerous enemy. (43 signatures.)

Burgersdorp and Albert "deeply impressed with the calamitous consequences which must inevitably result from the withdrawal of Your Majesty's benign rule" and by the strong sense of injury inflicted upon humanity, civilisation and Christianity they foresaw an exterminating war of races which will deluge the land with blood, involving in its calamities not only the Colony, but Natal and British Kaffraria. (157 signatures.)

Port Elizabeth, Graaff-Reinet and *Colesberg* sent petitions in much the same strain.

The committee of delegates in Bloemfontein, far from assisting Sir George Clerk in bringing about the abandonment, took every step they could to prevent it. In October, sufficient money was

subscribed to enable them to send two of their number to England with a view to rousing public feeling and to enlist the sympathy of the English Parliament. The two entrusted with this mission were the Chairman (D. Fraser) and the Rev. Andrew Murray, Jun.(1) They interviewed the Duke of Newcastle, but met with no success. The Rev. A. Murray returned to South Africa in August, 1855, having been detained by illness. D. Fraser did not return.

All this agitation against the abandonment came essentially from the side of the British, the side perhaps which was most capable of making itself heard. There was, however, associated with them a small number of Dutch who had sided with the British in the quarrels of the time and feared their compatriots in the Transvaal. But among the Sovereignty Dutch generally a feeling of a very opposite character prevailed. They were greatly in favour of abandonment by the British and the taking over of the government themselves. Many of the Dutch delegates were of this way of thinking and were not best pleased with the way things went at the Bloemfontein meetings. On August 16th, this is shortly after Sir George Clerk made his announcement of the 9th, a memorial signed by 124 inhabitants of the Winburg district, expressed their satisfaction at the proposed withdrawal of British administration. "We are willing and prepared," they said, "to take over the management of the so-called sovereignty upon ourselves without desiring any compensation from Her Majesty the Queen of England. Several meetings have been held under the presidency of Mr. J. E. Van Hoover, who is empowered to arrange terms and conditions for a free commercial intercourse between the Colony and this country." In November, a memorial from 36 of the Riet River people was sent in. It stated that they had chosen a delegate to go to the meeting of September 5th for the purpose of carrying out Sir George Clerk's instructions, and then with dissatisfaction learnt that the committee appointed by these delegates had opposed the measure they were expected to forward. It was felt that the real sentiments of the country had not been brought before Sir George Clerk. Hence they ask that another committee more in accordance with their views may be formed, "to assist Your Excellency in bestowing a government on this lawless country and to take such steps as may be necessary to take over the Sovereignty. We protest against the deputation which a small number of the villagers are sending away. Untruths are fabricated to bring discredit on the poor Boers,

(1) Sir George Clerk writes to the Duke of Newcastle, Aug. 25th, 1835: "Mr. Murray, a clergyman of the Scottish Presbyterian Church here, is now out in the district actively engaged in denouncing the purpose of my mission. His object is to paint the consequences of British withdrawal in such colours that the imagination of his Dutch hearers may be led away from the hopes they have long indulged of being permitted to govern themselves, and may thus be made to conform to his political views with the same submission which they are accustomed implicitly to yield to church discipline. In my opinion Mr. Murray had better have left this alone."

accusing them of all sorts of scandalous and disgraceful acts. Inquire of the natives themselves whether the Boers have ever murdered or ill-treated them." They were willing to undertake the government of the country under the following conditions: (1) Release of the inhabitants from Her Majesty's rule; (2) settlement of the Griqua affairs; (3) cancellation of all treaties with natives; (4) compensation for confiscated farms and refunding of fines for political offences; and (5) permission to purchase whatever munitions of war they may require. This was the general tenor of the many memorials. One of 82 signatures from the Orange River said: "We sent delegates, but as yet a large portion of our public knows nothing of it; and now we observe that the committee appointed by the delegates impede the matter with their partial sentiments and with disunion keep it pending, as parties who have not the slightest interest in the Boer estate and have only in view their own arbitrary ends."

On December 17th a large public meeting was held at Fauresmith for the purpose of taking into consideration the action of the committee and the formation of a new one. G. P. Visser, of Lokshoek, had already written to Sir George Clerk telling him that the deputation which had gone to England was contrary to the wishes of the people. He and J. Groenendaal, who had already sent in their resignations as members of the September committee, were chosen as members of a future one. On November 10th a meeting of what may be called the old committee was held in Bloemfontein, under the chairmanship of Mr. H. Halse, Dr. Fraser being on his mission in England. They certainly went to the extent of drafting a constitution; thus so far they met the wishes of Sir George Clerk, but it was to be under the aegis of the Queen's authority, and thereby showed their opposition to abandonment. On this, as well as on other accounts, the days in store for this committee were few. Not only were the original numbers of the delegates and committee dwindling, but some were resigning in order to form another one in opposition to it. It may have been that the committee and the delegates who appointed them had not grasped the situation in the first place or, when they did, disapproved of the views held by the British section. In any case, some withdrew from all connection with it and formed another which was entirely in favour of carrying out Sir George Clerk's policy of abandonment. It became more and more clear to him that, on the whole, the Dutch element was anxious to dispense with the government they then had. "The sentiments of the Dutch majority," said he, "continue to be what they have ever been; they are averse to British administration on account of the wrongs which they remember to have endured under its rule in Cape Colony." Many of them were Voortrekkers, who had become such in order to escape from British rule and, withal, memoriesin connection with Boomplaats still rankled in their breasts. So that the

prospect of becoming a free and independent people under their own republic was more than sufficient inducement to act with Sir George Clerk. That great man, in connection with these South African matters, can in no sense be regarded as pro-British. He regarded the British, with some show of reason, as merely speculators and land jobbers, men who had no other interest in the welfare of the country than that which would put money into their pockets. Probably such a class of people may be found in any country, but all the same there were some who, under great difficulties, were endeavouring to carry out honest farming operations. Sir George Clerk found considerable support to his views in the enormous areas of land which were possessed by some of the Government officials and others. Mr. Green, for instance, the British Resident, who had been commissional officer and succeeded Major Warden, was possessor of no less than 167,000 acres, about 262 square miles; Mr. T. W. Vowe (Dutch), the Resident Magistrate of Caledon River, had 42,128 acres; Mr. Percy Crause, Registrar of Deeds, held 29,434 acres; R. W. H. Giddy, clerk of the Civil Commissioner, 36,000; Mr. H. Bain, who was not a Government servant, possessed 109,946 acres.(1) According to Sir George Clerk about 2½ million acres were held by 139 people. Some extenuation for the conduct of the officials in thus dealing in lands—it obviously was dealing, for they could not possibly have made use of them for ordinary farming operations—was their inadequate salaries and the high cost of living in a country so far inland. But it was unknown to the Duke of Newcastle, who, when he came to hear of it, said that had the country been remaining under the British Government, he would have had a searching investigation into the whole business; and Sir George Clerk declared that he did not propose to allow the mere complaints and devices of land jobbers to interfere with his proceedings in the withdrawal of British rule. When their wishes and supposed interests alone remained, he said, he would not delay in withdrawing the troops and civil officers.

In pursuance of his instructions to settle the matters of the Sovereignty and to prepare all for self-government, Sir George Clerk travelled about the country and interviewed people here and there. At the end of the year (1853) we find him at J. P. Hoffman's farm at Jammerberg Drift, on the Caledon River. There he met the great Basuto chief, Moshesh, in connection with the long-angrily-disputed boundary line between his territory and that of the Orange River. This was, far and away, the most important matter to be settled,

(1) Mr. Bain possessed the following farms: Bains Vlei 31,528 acres, Tempe 11,352 acres, Quagga Fontein 16,620 acres, Hartbeest Hoek 18,840 acres, Lion Vlei 14,762 acres, Boomerang 5,316 acres, Wonder Kop 11,528 acres and St. Jago (not surveyed); total 109,946, not including the last. In the township of Bloemfontein itself he had building erven in St. George St., Douglas St., Charles St., Church Square, Henry St., Gordon St., St. Andrew's St. and Maitland St.

as it was that which was very likely to lead, as it soon afterwards did, to war. But Sir George Clerk left it unsettled, and in as chaotic state as ever it was. In fact it cannot be said that he settled anything. The Griqua question was also one which, in order to ensure permanent peace in the country, needed careful and sympathetic handling, but the Special Commissioner, in his contempt for the Griquas, made matters worse and contributed to the trouble and difficulties which he was bequeathing to the new Government which he was forcing into existence.(1)

Probably as a result of these interviews with the people in the distant districts he was able, on January 19th, 1854, to have the following notice issued: "It is hereby notified that these persons who on the part of the inhabitants are now prepared to discuss with Her Majesty's Special Commissioner the terms on which the independent government of this territory will be transferred into their hands will assemble in Bloemfontein on the 15th day of next month (Feb.)" For the dismissal of the delegates, the British Resident, on February 17th, sent a notice to each of the Civil Commissioners requesting them to make known to their respective inhabitants that the assembly of delegates convened in August, having misconstrued and prevented

(1) Adam Kok wrote to Sir George Grey on December 29th, 1854, from Philippolis. He said he had looked forward to the coming of the Special Commissioner to make an investigation into their grievances, to put matters straight and rectify mistakes. "But to our astonishment Her Majesty's Special Commissioner has made no investigation, has given no answer to our complaints, but simply proposed certain terms which will only increase the injustice under which we have suffered by depriving us of that portion of the country which we still retain, and compelling us either to remain in this country as serfs to the Boers or to leave us to wander as vagabonds upon the face of the earth. When we, fully aware of the evils which would unavoidably result from our accepting these terms, declined giving our consent, His Excellency annulled the Maitland Treaty, left the country without coming to any arrangement with us and abandoned us to whatever calamities might befall us, calamities brought upon us by no fault of our own, but by the policy of the British Government. In the name, therefore, of the Griqua Raad we protest against the Special Commissioners' arrangements in this country as far as they regard Griqua interests. They are at direct variance with all previous arrangements made by the British Government, which pledged itself to secure for us the exclusive use of inalienable territory; they annul a solemn treaty between the British Government and ourselves, by which a portion of the country was declared inalienable. Our hold upon this territory is now lost and given over to a government which is hostile to us. By our faithful adherence to the British Government we have made ourselves obnoxious to the Boers and certain native tribes. By the call of the British Government we have done our duty and acted against these, and now we are left without protection against their vengeance. Our affairs are left in such a complicated state and so many cases of dispute remain as to preclude any probability of our arranging them in a quiet and peaceable manner with the Europeans, to whom the Government has been handed over. His Excellency has introduced disunion and dissatisfaction among our people. The new Government may be supplied with arms and ammunition from the Colony; we are debarred. We who have been faithful allies have been forsaken, while our enemies and those who would spoil us are now to get all sorts of good things."

There is another side to this matter. Sir George Clerk did endeavour to do all he could to settle the Griqua question, but he was thwarted by the Griquas themselves, possibly instigated by the European opponents of abandonment. The question was greatly complicated by the fact that the Griquas

the object for which it was called, is dissolved." And to Mr. Halse, the chairman of the committee, he declared that that also had to be dissolved in consequence of unauthorised proceedings, and recommended such members who had seceded from that committee to agree with these persons who were representatives of the majority of the inhabitants to carry on Her Majesty's instructions. The British section of the dismissed committee did not submit to this treatment without vigorous protest and action. They convened a public meeting in Bloemfontein at which, after expressing their indignation at the conduct of Sir George Clerk, they passed a resolution expressive of their determination to refuse to obey the new proposed government but to form one of their own, acknowledging allegiance to the Queen. They refused to be deprived of their rights as Englishmen until they had been repudiated by an Act of Parliament. In the end a formal protest to the Duke of Newcastle was drafted, in which " the late Acts of Her Majesty's Special Commissioner " were declared to be illegal, unconstitutional and in violation of Her Majesty's commission. But all this availed nothing. The end was near. On January 14th, 1854, Newcastle wrote to Sir George Clerk and said: " I have now to inform you that Her Majesty's Government have come to the con-

had leased and sold lands in the inalienable territory to Boers, which they had no right to have done. " The case simply stands thus," said Mr. Green in interviewing Adam Kok and his " Raad " on behalf of Sir George Clerk, " the farmers on the other side of the Riet River are in occupation of certain lands on which the Griquas have claims, while on this side of the Riet River (the interview was held at Philippolis) many Griquas occupy farms which have been sold to Europeans or Colonists, but which they will not surrender to the purchasers because they say the sale of lands is opposed to Griqua law (and yet they had sold them). On behalf of the British Government," said Mr. Green, " I have come between you and offer to satisfy your claims on the farmers beyond the Riet River provided you will give possession to the purchasers of the ground you have sold to them on this side and abrogate a law which leads to so much dishonesty and underhand dealings. You decline this liberal offer, you are willing to take all the money the British Government will give—you will keep the money you have received for your lands and will keep the lands as well. The British Government and Captain Kok are both willing to allow the Griquas to sell, but the people themselves, many of whom have already sold and been paid for their property, refuse through the council to remove the last and only impediment. Her Majesty's Special Commissioner has done all that can be done under the circumstances by declaring the sales legal, but the Griqua council refusing to work with His Excellency for the public good, the offer which I made for lands beyond the Riet River is withdrawn, as the object in offering it, the preservation of peace, will probably be frustrated through the unsettled state on which the land tenures must be left in consequence of your resolution."

Sir George Clerk himself, in writing to the Duke of Newcastle (*vide* despatches of March 28th, 1854, and January 20th, 1855) with reference to the Griquas, whom he speaks of as " This reduced medley of idle and impoverished cross-breeds, established by Dr. Philip between the Orange and Vaal Rivers," said: " In dealing with some Kaffir tribes occupying countries north of the Orange River, our very troublesome acquaintance with them was the consequence of political transactions of missionaries—people living nominally under the sway of a captain who does not and cannot govern them; the sooner this authority is annulled the better for everybody. The conversion of the heathen Griqua was deemed more important than the welfare and attachment of the unenlightened Dutchman. It is very unsatisfactory to observe the results that have attended the most zealous missionary labours in favour of the Griquas."

clusion that it (the abandonment) can be legally and most conveniently effected by means of an Order-in-Council and proclamation, which you will be duly empowered by that order to issue and at the same date." He mentioned further that there will be the possible necessity for incurring some expenditure for the purpose of compensation. "I have, therefore, to inform you that Governor Cathcart has been authorised to draw for any amount not exceeding £10,000."

In accordance with the notice that those who were willing to take over the government of the country were to meet in Bloemfontein on February 15th, a large number of people gathered there at that date. The meeting was held in the old Government schoolroom, which seems to have been too small for the purpose. The proceedings were secret and the entrance was guarded. Sir George Clerk seems to have been present. It was known that Mr. Hoffman, one of the seceding members of the old committee, was elected to the chair and that in this speech he said: "What other countries have had to struggle for and spend much blood, Victoria has given to us for nothing; we are now a free people." In order to make a start a provisional government was formed with Mr. Hoffman as president. This held office until a more permanent and regular one could be appointed. This took place on the ensuing June 3rd. Smithfield was very wrathful at these proceedings. At a public meeting held there on March 2nd, 1854, they resolved not to submit to be governed by the so-called representatives of the people, in whose elections they had no voice; they would not have independence forced on them by Sir George Clerk and they would not obey any officer appointed by Hoffman; any landdrost he sent to them would be kicked out. They elected a number of persons to form a "Committee of Safety." It is not clear, however, what this committee was to do or what they did. With heart and lungs, we are told, they expressed their right, true, loyal feelings by joining in that most beautiful and sacred anthem "God save the Queen."

A few days after the Bloemfontein meeting namely on February 23rd, the final act of freedom took place and the Orange River Sovereignty became the Orange Free State. The convention was signed by Sir George Clerk on one part and by twenty-five Boers on the other. Its provisions, in short, were as follows: (1) Her Majesty's Government guarantees the full independence of the country and its government; the inhabitants shall be free from their allegiance to the British Crown. (2) The British Government has no alliance whatever with any nation, chief, or tribe northward of the Orange River, with the exception of the Griqua chief, Adam Kok. (3) Her Majesty's Government intends to remove all restrictions preventing the Griquas from selling their lands. (4) The Orange River Government shall not permit any vexatious proceedings towards those of Her Majesty's

present subjects remaining within the Orange River territory, who may heretofore have been acting under the authority of Her Majesty's Government. Such persons shall be considered to be guaranteed in the possession of their estates by the new Orange River Government. (5) An extradition treaty: The two Governments are to use every exertion for the suppression of crime and keeping of peace by apprehending and delivering up all criminals who have escaped or fled from justice either way across the Orange River. (6) Certificates issued by the proper authorities shall be valid and sufficient to enable heirs of lawful marriages and legatees to receive portions and legacies accruing to them. (7) The Orange River Government shall permit no slavery. (8) The Orange River Government shall have freedom to purchase ammunition in any British Colony or possession in South Africa. (9) A consul or agent of the British Government to be stationed within the Colony, near the frontier, to give advice and information in order to promote mutual facilities to traders and travellers.

Signed by George Russell Clerk, J.P. Hoffman, G.P. Visser, P.M. Bester, A. H. Stander, F. P. Schnehage and twenty others.

It was agreed that all the existing laws should remain and that all officers should retain their positions; the right hands of those who had been at political variance were extended and received, and for a time, at all events, it seemed as if the new Orange Free State was to be a haven of contentment and brotherly love. And now that in spite of all their struggles, the anti-abandonists had lost the day, they did not cry over spilt milk, but seemed determined to make the best of a bad job, so much so that several of those who had done all they could to oppose the establishment of the new government, took office under it. While the abandonment matters were engrossing all the minds of both British and Dutch a new cause of excitement came into existence in the region of Smithfield. Whether it had anything to do with the resistance to abandonment it is difficult to say, but it was open to that construction. Just about the time when the final arrangements with the Boers were being made by Sir George Clerk a jackal dug a hole in the ground on the farm of one Wessels, about three-and-a-half miles to the north-west of Smithfield. In the debris which the animal threw out a nugget of gold, weighing 88 grains, was found, or said to be found. As soon as this became known, fortune-hunters from all parts commenced to flock to the region. It is difficult to estimate the value of the statements which were made with reference to the existence of gold in the Smithfield district. One thing, however, was certain: they were very promising and alluring. We are told that two nuggets, one weighing as much as 4 ozs. and another of 1 oz. 2 dwts. were brought to light. The washings of two buckets of debris from the bottom of a hole 16 feet deep gave 115 grains and 8 nuggets of

weights varying from 22 to 40 grains were obtained. Mr. Vowe, the magistrate of the Caledon River, went to Grahamstown, exhibited some of the finds and created much excitement. By March, 1854, there was a regular gold-rush to the part, and it seemed as if California was to be re-enacted in the Orange Free State. A " Caledon River gold-mining company " was formed in Port Elizabeth with a capital of £13,500, shopkeepers advertised all sorts of mining requisites, coaches were to run to the El Dorado and, so we are told, there was a comfortable inn at the half-way house at Doorn Nek. But very many went and spent some weeks there, found nothing and returned disgusted. Suspicions were not wanting that the whole thing was either a hoax, or the action on the part of some of the British to induce the Government to delay or abandon the abandonment.. " Melancholy to reflect," they said in writing to Sir George Clerk, " that just as good fortune beams on the country it should be abandoned. Perhaps France or Holland will come along and take it." The following letter to Sir George Clerk well expresses the views of the promoters : " Sir, We, the undersigned representatives of the Caledon River District, have the honour to bring to your Excellency's notice the fact that the discovery of gold in the neighbourhood of Smithfield is now an undoubted fact, of which many of us have actual demonstration on the spot. It is needless for us to enlarge upon the importance of this discovery should it appear shortly, as we are fully convinced it will, that the deposits are likely to prove of sufficient quantity to attract a large influx of inhabitants into this country, there is one point in connection with it to which we are desirous of attracting Your Excellency's attention. Your Excellency is aware of the vast amount of crime and disorganisation of society to which these discoveries in other countries have given rise, and we cannot contemplate the withdrawal of the British Government at such a critical period without feelings of the greatest apprehension. We feel convinced that when Her Majesty's Government decided upon withdrawing British dominion from this country they had not in contemplation the altered circumstances in which this province will be placed. Your Excellency must by this time have seen enough of the strength of party feeling, the want of education, and the unfitness of the inhabitants for self-government in a country which we have reason to expect will shortly be overrun with persons attracted by the gold discoveries, and of whose probable character Your Excellency is doubtless well aware. Should the Executive authority be vested in persons without the requisite power of enforcing law and order, we have great reason to expect that this Province will become the scene of atrocities and lawless proceedings similar to those which have been enacted in California and elsewhere. We feel certain that Her Majesty's Government never would willingly, by withdrawing British protection, plunge this country into the anarchy which, without other causes, at present existing, must ensue,

in a gold-producing district under a weak or ill-supported Government. We would, therefore, respectfully submit to Your Excellency whether your instructions from Her Majesty's Government do not allow you such latitude and discretion as may be *now*, in the cause of humanity and of the safety and welfare of this country, be exercised, by deciding to postpone the withdrawal of British authority till such time as the dangers we fear have been provided against by a strong and respectable Government. In pressing this subject upon Your Excellency's serious consideration, we earnestly deprecate the idea of being influenced by political or personal motives other than these by which, as the representatives of the Caledon River District, our duty to our constituents ought to be determined. We cannot, however, refrain from expressing to Your Excellency our conviction, fortified by reports from the other side of the Vaal River, that these deposits will prove far more extensive than can at present be anticipated, and the weighty results of these discoveries should our anticipation be realised.

Signed by H. J. Hales, R. Finlay, A. White, W. Coleman, H. Joubert, W. Way, F. Kronje, H. Olivier."

Sir George Clerk's answer to this was : " Sir, The discoveries made in the Smithfield district, as reported in your letter of yesterday, can have no effect in the determination of Her Majesty's Government to withdraw from this territory. I adopted the surest public means of making this generally known, and the inhabitants of Smithfield would find it more advantageous to their interests to believe in it than to cling to hopes which cannot be realised."—George Clerk, Special Commissioner.

In order to arrive at the truth of the many gold stories from Smithfield, the Governor sent the official geologist, Mr. Andrew Wylie, to investigate and report. Mr. Wylie visited the district in November, 1854. In his long and able report he discussed the general geological features of the country and gave it as his opinion that gold seldom occurred in rocks so recent as those in the Free State. After spending some time in carefully examining the strata of the district, he said he did not succeed in finding any gold " though I have no doubt such exists. In the case of two pits only five yards apart, one gave 12 separate particles of gold, while the other gave none. I became now convinced that in the case of this particular pit some deception had been practised. One thing was now pretty clear to me, namely, that there was not the remotest chance of Smithfield gold workings succeeding as a commercial proposition. Gold does occur, I have reason to believe, in greater quantity to the northward of the Free State, but even there it is very questionable whether it will ever be found in remunerative quantity." Thus ended the quest for gold in the Free State and Smithfield did not become a Johannesburg.

The Provisional Government which had been formed at the time of the signing of the abandonment instrument was dissolved on March 29th and a permanent Government was then proclaimed. It consisted of 29 members. Mr. J. P. Hoffman became the first president. A committee of five was appointed to formulate a constitution the discussions of the various sections of which formed the greater part of the business of this, the First Volksraad. The session ended on April 18th.(1)

The Orange Free State thus launches on the sea of independence. There remained nothing more to complete the severance than the departure of the British troops and the return to the Colony of the great Special Commissioner, Sir George Russell Clerk, K.C.B., who, though probably he did not do so, could say: My work is finished and I have left that country in a greater muddle than I found it; nevertheless, the great object of abandonment has been attained.

Before the last bonds between Great Britain and the new Free State could be broken there was still to be settled the further question of compensation to those who were to be losers on account of the change of government—a question of considerable expense, as will be seen. On March 11th, 1854, the troops marched out of Bloemfontein on their way to Colesberg. Before they left an address of farewell, signed by the inhabitants, was read and presented to Col. Kyle, who was in command, and that gallant soldier made a suitable reply. Their route out of the town was up the Monument Road past the Queen's Fort. There the Union Jack flew for the last time, and then only to be saluted, lowered and to be replaced by the Free State flag. To add further sadness to the occasion, one of the soldiers fell dead, and a halt had to be called while the man was being buried.(2)

It might have been thought that as the majority of the Dutch in the Free State were so glad to be rid of British rule and to have the government of the country in their hands, they would have accepted this greatly-desired change without any hope or desire of pecuniary advantage. It is not clear, however, that they did so. In fact, as has been mentioned, the Winburg people were prepared to take over the country without any compensation from the British Government. Yet Sir George Clerk, to soothe bitter feelings, presented the new Government with a sum of £3,000, which was to be distributed among those who felt they had grievances in connection with the fines which had been imposed upon them for rebellion or

(1) For details *vide* Notulen der Verrigtingen van den Hoogedelen Volksraad 1854 tot 1858. Bloemfontein 1870.

(2) To celebrate this acquisition of freedom, a subscription dinner was held n Bloemfontein. In his after-dinner speech, Mr. Hoffman proposed the health of Sir George Clerk, "without whom the Free State would not now exist," but before the question was "put," Mr. Orpen rose and exclaimed: "To Sir George Clerk, the instrument of the greatest injustice ever perpetrated on a people. May we never see him here again."

other actions against the British Government. It looks from this as if Sir George Clerk, on behalf of that Government, acknowledged at length that these people had been innocent of the offences for which they had been fined. A commission consisting of three members was appointed to apportion and distribute this money. A curious application for a share in this money came from M. W. Pretorius, the President (or perhaps more correctly *one* of the Presidents) in the Transvaal.(1) He demanded a share on account of the expense for ammunition which his father had used against the British at Boomplaats. Mr. W. W. Collins tells us that "Pretorius arrived in Bloemfontein and, having been permitted to appear in the Raad Chamber in September, 1854, explained the reason of his coming : he demanded that certain sums of money, paid by his late father for ammunition used at the battle of Boomplaats, be refunded to him. The Raad would not agree." "Hoffman told me (Mr. J. M. Orpen) he would consider it a relief to give up half to Pretorius, and said that though neither he nor any man in the Transvaal had any right to any part of it, still he would recommend the Volksraad to divide it with Pretorius, because we should thus be the quicker rid of him." This £3,000 was no part of the compensation for loss or deterioration of property ; very much more than that had to be paid out by the British Treasury on that account. A Board of Claims was formed to deal with the many cases, but probably like all Boards of this nature it gave great dissatisfaction. There were not wanting, though undoubtedly unjust, suspicions that those who in some way or other assisted Sir George Clerk in bringing about the abandonment received greater consideration than those who opposed it. No claims on account of property which had been acquired after June 19th, 1852, were entertained, as at that date it was made known that abandonment would take place.(2) The total sum spent

(1) I should explain that up to this time there was no President or real central government in the Transvaal. There were four Commandants-General recognised by four separate factions, living mostly in four portions of the country. Martinus Pretorius, who was the second son of his late father and had succeeded him in office, had now a larger following than any of the other three and wished to be chief over the whole country."—Orpen Reminiscences, Chap. XLIX.

(2) The following are some of many of the applications for compensation. *Mr. A. H. Bain* claimed £11,744 for deterioration of his property due to the abandonment. He was awarded £1,500. He received special consideration as he had rendered great public service in connection with Boomplaats. At great risk of his life he rode and carried dispatches to the officer commanding at Colesberg, a distance of 190 miles. By this means wagons were procured in order to enable Sir Harry Smith to move forward from the Orange River, where he was at a standstill.

Mr. L. G. Young had borrowed £500 for the improvement of his farm. To meet this and other liabilities he sold all his moveable property at a sacrifice ; he could get no purchaser for his farm under the circumstances. He therefore claimed compensation, but was told that depreciation in the value of land consequent upon the abandonment formed no claim for compensation.

Mr. A. Buckley sent in a claim for £4,964 8s. 6d., but received no satisfaction from Sir George Clerk, whom he seems to have offended. He sent a memorial to the Secretary of State ; he was somewhat violent in his language ; he

by the British Treasury in connection with the abandonment was £88,435 (Theal).

A contentious matter arising out of the question of compensation and one which actually reached the House of Commons was that in connection with the surveys of the Free State lands and the defining of the boundaries of the many farms. On May 24th, 1850, Major Warden entered into a contract with one J. H. Ford, a surveyor, to undertake this work in the district of Bloemfontein and Winburg. He was to receive £10 for the survey of each farm with diagram. The farmers were to pay £12 10s. (£2 10s. of which had to go to the Government) for the diagrams, if taken within a year after the survey, and £15 afterwards. Two other surveyors, the brothers Messrs. J. M. and F. H. Orpen, undertook the surveys of the Smithfield district. They were willing to charge only one-third of the usual fee as there was so much work to be done and the farms were contiguous. The majority of the Boers, however, did not want their farms surveyed and had no use for diagrams. When land was allotted to them they were given a "Certificate of Occupation," a kind of temporary title deed, which was to answer until the more legal instrument was issued, in which case the diagrams would have been necessary. But the Boers were contented with simple certificates and felt no call to trouble the surveyors. Thus a large number of diagrams were made which remained for a time in the hands of the surveyors and then were handed over to the Government; there they were to remain until paid for by the farmers. At the time of the abandonment very few had been applied for. Sir George Clerk passed them on to the Provisional Government and repudiated all responsibility in connection with them, as also did the new Government. The amount due to the surveyors according to the agreement was £1,918 9s. 4d. But they had little hope of obtaining it. The Orpens brought the matter before Sir George Grey shortly after his arrival as Governor and the departure of Sir George Clerk. The new Governor sympathised with them and promised that if after investigation they seemed to have a good case

considered himself to be no longer a British subject and, therefore, he was not interested in upholding Her Majesty's authority; should there be a collision between the Orange Free State and the British Government he would consider it his duty to assist the former. He could not, he said, be expected to support Her Majesty's Government which, after inducing him to settle in a country, had handed it over to parties whom the same Government had just before proscribed as rebels.

Mr. Stanton owned property in Market Square, Bloemfontein. He asked for compensation to the extent of £1,045 18s. 5d. He had spent £1,500 on property which, if now put up to auction, would, on account of the abandonment, not realise £300. He could not let it as there were many places people would be glad to let to those who would merely take care of them. He still owed £1,000 and was being pressed by hard creditors.

Sir George Clerk could not have been very sympathetic in giving account of the many cases of loss to the Secretary of State, for that noble officer, in a despatch dated July 6th, 1854, said: "Sir George Clerk's despatches do not show any great and substantial amount of injury due to the abandonment."

he would make representations to the Secretary of State. He did so and was told that the matter would be referred to Sir George Clerk—that is, the question was to be left to the decision of the very officer against whose decision the appeal was made. The surveyors themselves also sent a memorial to the Duke of Newcastle. In that they maintained that the Government held those diagrams in trust until they were paid for by the farmers; that Sir George Clerk had handed them over to the new Government without their consent and that the British Government had broken faith and was in honour bound to refund the value of the diagrams. Sir George Clerk, in replying to the matter when it was before him in England, said the surveys were matters purely of speculation on the part of the surveyors. When Sir Harry Smith annexed the country several individuals thought they perceived an enduring field for their employment in the survey of its forty millions of acres and the preparation of coloured diagrams of its 6,000 acre allotments. He regarded the whole thing as a matter of speculation, which surveyors undertook at their own risk and must, therefore, take the consequences. The Orpens kept the matter alive for some years. In 1864 it came before the House of Assembly in Cape Town, and a select committee, under the chairmanship of Sir Thomas Scanlan. The report was that the complainants had a good case against the British Government arising out of a breach of contract. The matter went before the House of Commons, but nothing came of it. Encouraged by the Free State having been abandoned by the British Government and also by the Transvaal having been permitted to govern itself, the Dutch in Natal endeavoured to gain the same boon for themselves. To this end a petition, dated April 15th, 1854, and signed with 339 names, was sent to England in September. The grounds of their complaints and desires to manage their own affairs were the inadequate control of the natives by the authorities, the want of protection for life and property against the Zulus, the impossibility of getting redress for grievances, however great, and interference with Roman-Dutch law. Nothing came of this, but the subject was not allowed to die. During the next two years it was agitated in the hope that the portion of Natal which they then occupied might become a part of the Transvaal Republic. Towards the end of 1856 there was a large gathering of the Dutch at the residence of one Hermanus Lombard, when a further petition was or had been, drafted. According to Mr. T. T. Kelly, the Resident Magistrate of the Klip River district, "this document was composed and forwarded to the Boers here by Mr. Struben, the late notorious magistrate of this country, from his place of refuge in the territory of the Transvaal Republic and by the instruction of its chief president or commandant, Mr. Pretorius. At the meeting referred to it was resolved unanimously to follow the advice and instructions which had been communicated to them from the Republican State through Mr. Struben and, as I

am informed, this memorial will be signed by, with few exceptions, the entire Dutch population both in this and the other countries inhabited by these misguided people." Mr. Kelly suggested that those who presented the address should be handed over to the civil authorities and proceeded against for sedition. He asked to be supplied with a force sufficiently strong to enable him to put a stop to all such factious meetings.

The petition makes rather pathetic reading. If ever there was a people who bought and paid for a country with their blood it was the Boers of Natal, and one cannot be surprised at, but rather commiserate with them in their desire to retain even a portion of it. The petition is as follows: "The undersigned memorialists, inhabitants of counties of the Klip River and Weenen, in the district of Natal, respectfully desire, in the most humble way, to lay before you their common interests and grievances in the firm hope and confidence that Your Excellency (it went to Sir George Grey) will consider and recognise their fervent wishes. We must remind Your Excellency that, although bearing the name of British subjects, we memorialists belong to and are descendants from an entirely different race, and that we and our fathers were compelled to become British subjects only by force of circumstances and the chances of war, which, alas, compels the weak to bow to the strong. We do not say this because we do not deem British subjects happy—far be it from us—because, on the contrary, we believe them to be, in their own country, one of the freest and most happy people; still it is only to remind Your Excellency that a conquered and constrained people, differing so entirely in language, religion, laws, manners and habits, as your memorialists and the English do, never can look upon themselves otherwise than as an oppressed and conquered people. They have lost their national liberty, not from their own free will, but through the power of the strongest and, therefore, they would never be able, nor can it ever be expected of them, to possess or evince to a conqueror or ruler imposed by force, however good he may be, that national faith and respect which binds a people to their King and thus constitutes the strength of a nation. Animated by such feelings, which will never desert ourselves or our children, we must frankly acknowledge that we never will be nor ever can become good and faithful subjects of the English Government, whereas, as a free and independent people, we might make good frontier residents and friends of our English neighbours. It is for this and other reasons that we respectfully request Your Excellency to grant to us, who are so closely bound by blood and kindred to our free neighbours, the same privileges which Her Majesty has granted to our relatives and our friends in the South African Republic and Orange Free State. We do not desire that the British Government should restore to us, as the first and lawful possessors, the whole district of

Natal. No! We ask only that it may please Your Excellency to define the course of the Great Bushman River until where it runs into the Great Tugela River as the northern and north-eastern boundary, with a view to restore to us, the inhabitants of this district, as a free and independent people, that portion of Natal which from the murders committed there by the native races and the blood of our dearest relatives, there shed by them, is valuable to us and will ever remain so. It is not our desire to set up as a separate state that portion which we respectfully ask of Your Excellency but, on the contrary, to unite it under the South African Republic and by God's blessing to make with them one state and one happy people. We make these requests to Your Excellency with the utmost freedom, since from such a settlement we expect the greatest happiness, blessing and prosperity for Natal as well as for ourselves and particularly for the following reasons: The portion of ground asked for by us and situated north and north-east of the Bushman's River the northern and north-eastern boundary line of Natal is only adapted for cattle breeders and of little internal value, consequently almost useless for colonisation by European immigrants. So long as the abovementioned ground remains British territory there not only exists no prospect that the open ground therein will be occupied and inhabited, but rather that a large portion of the present inhabitants will abandon that part of the country, forced thereto by the scanty white population and the too great, and still increasing amount of barbarian coloured tribes who are left almost lawless, and further from the knowledge that our Colonial Government is not in a position to protect (us) from the overwhelming power of the natives; wherefore nothing remains to us but the prospect of a destructive Kaffir war. Should we now again be compelled by the circumstances to abandon our lawful lands and dearly-bought firesides, this cannot terminate otherwise than in a new break of exasperation (so easily rekindled in a conquered people) and cause us both nothing but damage, disaster and harm, which we fervently hope God in his wisdom may avert."

Sir George Grey was quite the last man to whom to send any such petition as this with any hope of its being granted. He looked with horror upon "the dismemberment of the Empire." He was far too displeased with and opposed to the establishment of the northern republics to give heed to such a request as that of the Klip River Dutch. In communicating with the Lieutenant-Governor of Natal on this matter, Sir George Grey somewhat prophetically wrote: "By the founding of the two (republics) we have limited our own territory, retained that which is least fertile and given the really fertile country away. No limits are set to the extent to which the two republics may extend. We abandon these territories chiefly upon account of their supposed costliness, we may now tell them to protect

and govern themselves. This causes great ill-feeling, and I feel satisfied that an agitation for relinquishment of other portions of our territories will for years be kept up until the interior states obtain some sea port within a healthy latitude. Another evil of these small republics is that in pursuit of their own interests they enter upon hostilities with the native races at the period when they can do it with the greatest advantage to themselves. Thus we, who are their neighbours, are constantly threatened with danger in some direction. We are never free from alarms and a much larger force is necessarily left on the frontier than need otherwise be maintained there. As may yet appear, the abandonment of the Sovereignty having led to a reduction of cost will probably increase it. A federal union amongst all these territories in which great individual freedom of action had been left to each province, while they were all under British rule would have given very great satisfaction. A great State would thus have been eventually built up in South Africa which would have been strong enough to protect itself, as by its unity, strength and power, it could alike have overawed and have punished the native tribes, while from the wealth and number of its population the facilities for education which its public establishments would have been afforded, the magnitude of its affairs and the large questions which would have been discussed in its General Assembly, it would have trained up an enlightened race of statesmen who would have been habituated to deal with questions of policy on grounds as large and general as the interests they had to consider and provide for. Such a State would have educated and supplied a class of divines, lawyers and literary men who might well have advanced the interests of their country and have promoted and sustained its advances in the arts and civilisation. The policy, has, however, been adopted of splitting the country up into small Republics, with no bond of union among them each of which, in pursuit of its own interests, hurries into disputes with native tribes at the moment which is in accordance with its own views, without regarding the interests of its neighbours, who may, by its proceedings, be hurried into a war at a most inconvenient time. Each of these Republics also, from the smallness of its population and their isolated positions, will be unable to furnish a race of statesmen capable of conducting the affairs of their country upon large views of general policy, whilst education will, I fear, sink to a low ebb."(1)

In Mr. Labouchere's answering despatch to Sir George Grey, dated June 4th, 1857, in which this petition was brought before him, he said : " In the first place I have to state that Her Majesty's Government do not entertain the intention of abandoning any portion of Her Majesty's present dominions in South Africa, and it is their wish

(1) Despatch. Sir G. Grey to Hon. H. Labouchere, Dec. 20th, 1856. G.H., Vol. 22.

that you should take whatever course is best calculated, in your opinion, to impress a conviction of their determination on this subject on the minds of the memorialists."

The Orange Free State was now an independent country. Its destiny apparently was in its own hands and in hope and anticipation of happiness and prosperity. It might reasonably have expected to be able to move down the ages, developing itself without worrying and troubling itself with the concerns outside its own borders. It was a mercy for that country—as well perhaps for mankind in general that it was not given to see clearly the distant future. But during these earliest days of the life of the Free State there were not wanting indications of trouble in the immediate future. The Basuto scourge loomed large, the unsettled boundaries between the Free State and Basutoland and the constant stealing of the Boers' cattle were pregnant with the probability of war. Political trouble was presaged by M. W. Pretorius and some agitators stirring up strife in order to annex the new Free State to the Transvaal Republic and be under him as President. Then there was the trouble which had been the common lot of all Europeans who endeavoured to settle in more distant and isolated parts, namely, the roving, thieving and dangerous Bushmen, human rats, as they had been called, a diminutive, wiry people, fleet of foot and always prepared, with their bows and poisoned arrows, sometimes with guns, to murder any European at sight. All this confronted the new President, Mr. J. P. Hoffman, who soon found that the honourable position to which he had been elected was not to be a bed of roses, perhaps more correctly, a bed of roses which became more and more thorny as the months sped by, until he found it imperative to resign. His coadjutors were Mr. Hector Lowen, who had been civil commissioner of Bloemfontein under British rule and now became landdrost of Bloemfontein with Mr. C. Warden, the son of Major Warden, as his clerk. Mr. J. H. Ford, the late " Surveyor-General," was appointed landdrost of Smithfield and Mr. J. M. Orpen, landdrost of Winburg and Harrismith. It is curious to note that these men and some others who had been such anti-abandonists now became the chief officers in the abandoned country. The innocent cause of the downfall of Mr. Hoffman was a friendliness with the Basuto chief Moshesh. Hoffman's farm was Jammerberg Drift, at no great distance from Moshesh's country. After he became President, Moshesh asked that, in consideration of the quantity of gunpowder he had had to use in firing salutes for great men who had visited his country, a quantity should be sent to him as recompense. Mr. Hoffman, feeling that this request was reasonable and anxious still to preserve the good feeling which existed between them then, sent a small keg of fifty pounds of powder. This gave a fine handle to those members of the Volksraad who were opposed to him, to work his downfall. On February 9th, 1855, one Linde brought forward

a charge of High Treason (Hooge Misdaad) against Mr. Hoffman. An amendment was proposed modifying this, and merely accusing him of want of judgment and deserving nothing worse than the censure of the Raad. The original motion, however, was carried by 15 votes to 11. By this Mr. Hoffman could not be turned out, as to go that length it was necessary that there should be three votes out of every four. The malcontents were determined to have him out and to use force if necessary. In a riotous manner the Chamber was vacated, and a body of armed men, under one Van Rensburg, went and took possession of the fort and public offices. Mr. Hoffman therefore sent the following letter to the Volksraad :—

Government Office of the Orange Free State.
10th February, 1855.

Honourable Gentlemen,

As the majority of your Assembly have voted against me and some of the members have even been guilty of irregularities by hindering the Public Service with armed men, with the knowledge of the *majority* of the Raad, without giving me notice thereof, or even opposing it, it is evident that there is no mutual confidence, which is so essential for the carrying out of the law. I have therefore the honour to tender my resignation.

I have the honour to be
J. P. HOFFMAN.

It was accepted. It is curious there should have been this feeling against him as he got in with 624 votes against 418, for Captain Struben and only 18 for Mr. Boshof, who succeeded him. Personally, Mr. Hoffman seems to have been an able and upright man and well worthy of the honour which had been conferred upon him. He was a cripple ; so also was his secretary, Mr. Groenendal.

During Mr. Hoffman's short reign the Bushmen seem to have been giving more trouble than usual. It may have been that in the desperation of starvation they braved any danger in quest of food. They squatted on farms, where they must have known they would be interfered with and where their robberies would soon be discovered. They were usually left alone and unnoticed until their villanies compelled action against them.

In January, 1855, a collection of about sixty of these wild men, besides women and children, were squatting on the farm of one Petersen, about eight miles from Winburg. They had been ordered by the authorities to move away, but had refused. It therefore became necessary to use force to compel obedience to this order. Mr. J. M. Orpen, the landdrost of Winburg, called out a commando of 25 farmers for the purpose of overawing these people and, if possible, of driving them out without recourse to bloodshed. The

plan was to arrive in their vicinity before daybreak so that, as it was thought, the danger from their poisoned arrows would be lessened on account of the strings of the bows having been loosened by the damp of early morning. The force started from Winburg on January 12th, 1855, and, moving forward in extended order, it came in view of the scattered huts, if those wretched habitations could be dignified with such a name, about daybreak. Before the commando got very near the watch-dogs discovered it and barked furiously. In a moment the Bushmen were on the alert. Mr. Orpen, who was in command, at the great risk of his life, which he did nearly lose, walked up to some of the Bushmen alone and unarmed and with his hands above his head to show he was so. By means of one of them who understood Dutch and acted as interpreter, Mr. Orpen said: "I have come with my men to show you that you must obey. I intend to do you no harm." He then, followed by the farmer Odendaal, walked down among the scattered huts and, very dangerously, in order to see who was inside, pulled off from some the reed mats which formed part of their structure. "As I pulled back the covering from one I found it crammed with Bushmen, fierce little fellows, whose black, glittering, snake-like eyes were fixed on me and their guns and arrows pointed at me. Just then I felt a blow on my right arm near the shoulder and, wheeling round, saw that a Bushman had stabbed me. Quick as lightning he then stabbed Odendaal in the head, pinning his hat to it." Odendaal quickly turned and shot the Bushman dead. Others of the commando had now crossed the small spruit or stream which divided them from the land occupied by the Bushmen and, having dismounted from their horses, they rushed on and a general meleé seems to have commenced. Sixty well-prepared and savage Bushmen against the twenty-five farmers. The shower of poisoned arrows soon compelled the latter to remount their horses and gallop away. Mr. Orpen also ran. The damp of the early morning had not materially affected the strings of their bows. They had not gone far when Stander shouted to Mr. Orpen: "Help me; help me; I am wounded." Mr. Orpen stopped and got Stander off his horse, placed him on his back on the ground and opened his shirt-front. He had been hit by an arrow on the collarbone and the poisoned barb was still in the wound. The Bushman arrows consisted of two parts: a short piece about three inches long on the end of which was the poisoned barb. This was fitted into a thin shaft about two feet long. When the arrow had been shot at a person and then pulled away from the wound only the shaft came away while the poisoned barb remained and had to be cut out quickly to save life. Mr. Orpen most bravely, with his arm useless from his own wound, cut with a rough clasp knife the flesh right to the bone, which he scraped, sucked the wound and spat out the blood. This saved Stander's life. Another, Hendrik Wessels, had received an arrow wound in his arm and called for Mr. Orpen's assistance. But he was too far gone and was dead within twenty

minutes of the infliction of the wound. One Mitchel received a gun-shot wound in the stomach and died shortly afterwards of peritonitis. The total casualties on the European side during this fight were Wessels, Bernard and Mitchel killed; Rensburg, Stander, Odendaal, Van Niekerk, McCabe (the great traveller) and Orpen wounded. The casualties on the Bushman side are not mentioned. The end of it was the Bushmen decamped from that place and took up a rocky position near Vechtkop. On the way they managed to steal the cattle from the farm of one Van Coller.

The Bushmen had always been a scourge to Europeans in sparsely-populated parts. Not only were they robbers of cattle (this to some extent might perhaps have been condoned, as they were driven to such acts by hunger), but apparently out of mere wantonness they damaged property and committed murders. About this time a party of them visited the homestead of a farmer named Van Hansen. They demanded tobacco. As it was refused them they murdered him, his wife, three children and two servants. There were thirteen Bushmen in the party. Major Warden, writing from Laings Drift, George, on April 18th, 1856, said that for upwards of two years previous to the wholesale murders of Van Hansen, Bushmen had committed serious depredations on the property of the farmers, and on several occasions whilst following on the spoors of their stolen cattle received death wounds from the poisoned arrows. "Many were the applications made to me to put down this marauding race within the late Sovereignty by means of commandos. Certain portions of the country had often been thrown into a state of alarm by the proceedings of the Bushmen, whose robber bands were supposed to be acting in concert, but on the murders of the Van Hansens, the whole white population was in an excited state and called loudly for coercive measures. The civil commissioner of the Caledon district, having informed me that the Bushmen murderers had separated and joined several strong kraals of their countrymen, I proceeded to the Caledon River with a party of the Cape Corps and a hundred burghers. On nearing the Bushman kraals the force was fired on and three men were wounded. On the side of the Bushmen fifteen were killed, including the whole of the murderers. About 150 men, women and children were brought into camp and handed over to Mr. Vowe, the civil commissioner, in order to be contracted as servants, and special instructions were given that not a single child was to be separated from its parents. I have every reason to believe that Mr. Vowe strictly carried out my orders and wishes."

Sir George Grey, in his despatch to Mr. Labouchere, dated December 23rd, 1856, said: "One of the difficult questions which this Government at the present moment has to deal with is that connected with the capture and sale of Bushmen and other coloured children in the territories beyond our borders, who are afterwards brought into British possessions. In reference to some of these proceedings it is

frequently alleged that high British authorities are in a great measure responsible for them, and I think that there can be little doubt that such allegations are frequently erroneous and that no sufficient grounds exist for them. According to the *Bloemfontein Gazette* at the close of 1853 robberies had been committed in the Sovereignty which were attributed to Bushmen and that upon a deputation waiting on Sir George Clerk at Bloemfontein he promised to see the magistrate on the matter and to arrange with him a plan for putting a stop to thieving by these people and also for making them useful (dienstbaar) by dividing them and hiring them out to the farmers in the neighbourhood. According to that, a few days afterwards orders were given by Sir George Clerk, through Mr. Lowen, the resident magistrate of Bloemfontein, that armed patrols should go out and that the men, for their services, should receive payment at the rate of ten shillings per diem for horse and man. On December 13th the first party went out and captured 87 men, women and children. Some of the men were divided among the persons present, while others were taken to Bloemfontein and apprenticed by the magistrate. On February 14th, 1854, the patrol went out again: six Bushmen were shot dead, three wounded and about forty prisoners brought to Bloemfontein and apprenticed."

This allegation of the sale of children was referred by the British Government to Mr. Hector Lowen, the former magistrate of Bloemfontein, who was then in Wales. He answered on April 14th, 1857: "I most decidedly deny that any children (of Bushmen or any other tribe) were ever sold in the district of Bloemfontein or in any other part of the Orange River territory while under British rule. That Bushmen were made prisoners *within* my district I do not deny, and if any were killed it was when they resisted and fired upon the farmers when attempting to recover horses or cattle stolen by these wild, lawless marauders. Several parties, when in pursuit of stolen property, were fired upon and wounded, not only with poisoned arrows but with ball." He then describes the state of desperation into which the farmers were driven by the depredations of the Bushmen, so at length he gave permission for a commando to go out. Bushmen were brought into Bloemfontein naked and half-starved, some very old and decrepit. They were distributed among the farmers to be fed, clothed and made useful. On the retirement of Mr. Hoffman there supervened an interregnum for a short time. The choice of the new President fell upon Mr. J. N. Boshof, then resident in Natal. A commission was sent to Maritzburg to ask him to allow himself to be nominated. He consented and was elected on May 15th, 1855, but did not arrive in Bloemfontein until August 4th. As this work has already shown, Mr. Boshof had played a prominent part in Voortrekker and Natal history. He was an able and upright man and one who was greatly respected by all. It was therefore reasonable to anticipate prosperity and happiness under his wise guidance. Whether this came to be, the not-very-distant future had the answer.

CHAPTER V.

THE ORANGE RIVER SOVEREIGNTY AND THE FIRST BASUTO WAR; TRAFFIC IN NATIVE CHILDREN.

Uneasy lies the head that wears a crown. Mr. Boshof, when he consented to take over the presidency of the Orange Free State could not have been ignorant of the untoward circumstances which were to make his period of rule one of anxiety and unhappiness. Speaking generally, he had, with inadequate resources, to assume the government of a large territory with hostile tribes along its borders. For the establishment of an administration for securing law, order and peace there was a lamentable shortage of the necessary public buildings, gaols and police, schools and teachers, powder magazine and places of defence. Of his many difficulties, first and foremost there was the ever-present Basuto trouble consequent upon the unsettled boundaries between the Orange Free State and Basutoland. The Basutos were continually raiding Free State property, and the wily chief Moshesh was for ever declaring himself to be a man of peace, while his undisciplined sons were showing themselves men of war. And unfortunately for the peace and prosperity of the country, Mr. Boshof soon found that the Free State was not a country of unity within itself. There were two opposing parties. On the one hand there were those who welcomed him as the new President and rejoiced in their sovereign independence, while on the other hand there were those who desired to merge their independence with that of the Transvaal and to form one State under Mr. M. W. Pretorius as president. Further, perhaps not the least of Mr. Boshof's anxieties was that connected with a kind of traffic in native children, which he soon endeavoured to put a stop to. He had, however, the consolation that Sir George Grey, from the first, showed him every sympathy, support and co-operation in his arduous duties. It may sound strange that in its internal affairs the head of the Government of one country should assist that of another with which it had no connection—the Orange Free State now being independent of Cape Colony and Great Britain.(1)

Mr. Boshof had been in office but a very short time when Sir George Grey commenced his extended tour through the Orange Free State and Natal. He was warmly welcomed by the President and Volksraad

(1) "But," said Sir George Grey in a despatch to Mr. Labouchere, dated June 7th, 1856, "it may sometimes be quite necessary for the good of Her Majesty's service, that I should interfere for the purpose of preventing wars from breaking out on our borders, which will, most probably, have the effect of inciting the Kaffir tribes to make a war upon us, the cost of which Great Britain would at present have to defray."

in Bloemfontein. Probably counting upon the prestige of the Governor and the awe which his presence would inspire, Mr. Boshof prevailed upon him to accompany him to Smithfield in order to have an interview with Moshesh and induce that chief to introduce better order among his people. The meeting took place on October 5th, 1855. The gist of the interview was that Mr. Boshof, having propitiated Moshesh with the usual flattery of his being a man of peace, whose word was his bond, pointed out that there had been thefts to the extent of 363 cattle, 294 horses and 112 sheep. In a calm but firm manner he detailed the delinquencies of the Basutos, their evil doings which made the lives of the Boers almost unbearable and recommended to him the advice which the Governor could give him. Moshesh in a cautious and characteristic reply said: "Peace is the mother of us all; may the things we now seek ascend to Heaven." Descending then to more terrestrial matters, he could not guarantee that there would be no more stealing of stock; thieves did not tell him when they went out on their nefarious expeditions. "I have eaten the meat of the Governor," he said, "and it will be easy for me to vomit it up, but it is not so easy to make thieves disgorge what they have stolen." Asked whether he would like to hear advice from the Governor, he said: "No, this is a meeting of friends; we had better not speak of these things to-day; we can correspond by letter; as we have met in peace let us depart in peace; let us go home. The Governor's advice ought to be given to a chief in private and not in public; he (Moshesh) did not come to speak of business." Sir George Grey, however, did address him. Kindly, but firmly, he supported all that had been said by the President; he trusted that Moshesh, with his ability, would put down stealing. He would, he said, have been glad to see the Chief meet the President more cordially than had been the case and hoped before he left that Moshesh would promise that these practices should come to an end.

As it was realised that there was something in Moshesh's objection to be called to book in the presence of many of his people who were present at the interview and that any submission on his part would compromise him in the eyes of his great tribe, another meeting was held the next day in the presence of only his sons and a few of his principal sub-chiefs. Then, due to the influence of Sir George Grey, something of the nature of an agreement was reached, the small binding value of which on Moshesh, however, was to become evident within a short time. He promised obviously to please Sir George Grey, but without any intention of keeping his word. He always was willing to promise anything in order to put off for a time an evil day, and to compel him to keep his word there was no power short of war. It was agreed that every Mosuto (the singular of Basuto) entering the Free State must have a pass signed by his chief or missionary; hunting parties must have the permission of the landdrost of the particular

district before setting out. The spoor law was to be re-introduced, that is, if stolen cattle were traced to any chief's kraal that chief had to continue on the tracks and recover the stolen cattle or himself recompense the loser. On the other hand, the burghers of the Free State were prohibited from trespassing in Basutoland. The weak point of all this was that no boundary line was specified. Hence both sides might trespass without knowing that they were doing so. In spite of the above agreement there was no diminution in the depredations. Far from this, there was an increased annoyance caused by the natives squatting on the farmers' lands. Matters went on from bad to worse until Mr. Boshof's patience becoming exhausted he wrote the following uncompromising letter to Moshesh on June 27th, 1856:

"Great Chief,—You will receive this letter by the hands of two gentlemen whom I have found it expedient to send as a deputation to you, namely Mr. W. J. Coleman and Mr. Hendrik Olivier, and whom I have instructed to speak with you on a very disagreeable subject, and one which, I fear, may lead to very unpleasant results, viz., the stealing of cattle and horses, which has of late been by your people resumed and carried on to such an extent, not only on the border field-cornetcies of Hendrik Olivier and Gustavus Koessie, but even near to and beyond the town of Smithfield, as to be no longer bearable. In addition to which, besides burning down two farmhouses, the natives have lately assumed so insolent a tone towards the first-named field-cornet that my personal presence and influence in this part of the district became absolutely necessary in order to prevent Boers, goaded as they have been to desperation by rapine and insult, from attacking these tribes to which the marauders have been clearly proved to belong.

"I have with difficulty succeeded in restraining these men for the present and have persuaded them to await the result of the final appeal which I now make to you and thereby to prove whether you are willing and able to deal out to the offending tribes and their chiefs the exemplary punishment they deserved and cause ample and satisfactory compensation to be made to the sufferers. Mr. Ford, the Landdrost of Smithfield, has, I find, already made you acquainted with some of the recent proceedings of the natives, and I now send you, as promised, a list of depredations committed previous to your late visit to Smithfield. I have, as you will perceive from the items specified in the list, selected those cases only in which the stolen cattle were traced to the boundary. The total number stolen being 223 cattle, 136 horses and 245 sheep. With regard to the remaining number stolen, viz., 145 cattle, 158 horses, 88 sheep, if it be taken into consideration that although not clearly traced, there can be little doubt of their having gone in the same direction, and you will, I think, admit that I now do far less than might be considered fair and reason-

able in demanding as compensation 275 head of cattle and 150 horses, and as the cattle and horses were in most instances selected by the thieves on account of their good qualities, I shall of course expect to receive animals of a superior description. I would suggest that delivery of the above cattle take place at the farm of field-cornet Hendrik Olivier and request that at the furthest it be not delayed beyond the end of August next. I enclose you also a further list of depredations since committed amounting, as you will perceive, to 158 horses and 78 head of cattle, besides houses and other property destroyed to the value of £125, as far as has been reported to me to this date. You know that for these, according to our agreement, I am entitled to four-fold compensation, unless the thieves be delivered up; and I now request you to have that done also within the time and at the place above mentioned. I think it right to inform you that, according to our law, the Courts of Justice have the power, in cases of cattle and horse stealing to inflict capital punishment, and as it appears that in order to protect our frontier inhabitants and to preserve peace with our neighbours it has become necessary to exert the utmost power given us by the latitude of the law on this head, I shall request the Courts of Justice in future to apply the law to that extent and I shall most assuredly cause the sentences to be executed in all cases of theft in which they shall consider it necessary to pass sentence of death upon the culprit. I trust you will cause notice hereof to be given to all natives under your charge." Mr. Boshof then proceeds to say that if he (Moshesh) does not cause compensation to be made or fails to punish the guilty, or should he constitute himself a protector of the thieves, then he could only deplore the interruption of the subsisting friendly relations and the necessity to which he would be driven of taking matters into his own hands. The letter in fact was an ultimatum.

All this, however, made but little difference. The root of all the trouble was that Moshesh had so little influence for good over his warlike relatives and sub-chiefs—a state of affairs we have already seen in British Kaffraria—that he was unable to restrain them in their continual depredations upon the Free State farmers. The chief leaders in these nefarious doings were his brother Poshuli, his eldest son Letsea (of Morija) and two scoundrels, Jan Letele and his cousin Lebenya, who were not related to Moshesh, but, like many others, had settled in those parts and increased thereby the heterogeneity of the Basuto nation, if so grand a name may be used in connection with this conglomeration of different tribes.

Among the strangers from afar who took up positions in Basutoland —that country at that time of very indefinite boundaries—was a chief named Witzie and his followers. They occupied a mountainous region abutting on Natal, called Witzie's Hoek. Witzie, from all

accounts, came from the region in the Northern Transvaal, bordering on the Limpopo River. Having been dislodged from that country he, with his people, migrated into Zululand, where circumstances compelled them to place themselves under the bloodthirsty Chaka about 1820, and to take part in his murderous raids. After the fall of Dingaan, when Panda became ruler under the Dutch, Witzie fled across the Drakensberg and settled in a portion of the wild country on the west of those mountains, which became known as Witzie's Hoek. There they formed a nest of robbers and plundered all far and near, but more especially the farmers in the Harrismith district. So exasperating did these Witzie enterprises become that in 1856 the Volksraad decided to take action. A commando consisting of 600 Europeans and about the same number of natives with 60 wagons went forth under a Commandant Botha. Mr. Boshof accompanied it as far as the Upper Sand River. Before he took leave of them on his return to Bloemfontein an incident happened which has a bearing on an important matter yet to be dealt with. According to Mr. J. H. Orpen, the Landdrost of Winburg, of whom more anon, all the forces gathered to one side of a circular laager. Two of the number came forward and addressed the President and himself. "Mr. President and Mr. Orpen," they said, "the burghers wish to know whether, if it should happen that some little orphans should fall into our hands, may we keep them as our servants?" "No! Decidedly not," answered Mr. Boshof. "If you do that you will certainly lose your independence." The force marched on to Witzie's Hoek. They captured 1,700 head of cattle and 300 horses. Beyond that, however, they did nothing but return to their homes, no punishment of any kind was meted out to the Witzies. A little later Mr. Orpen took out a much smaller commando. He drove Witzie away, burnt all his huts and dispersed the people. Many of them joined Moshesh's people, in fact, became Basutos, and as such still had the privilege of stealing the farmers' cattle and horses.

In spite of Moshesh's promises to Sir George Grey on October 6th, the sufferings of the Free State farmers, especially those in the Caledon River district, at the hands of the Basutos were not lessened, but became worse. It was clear that Moshesh either could not or would not take any steps to stop cattle stealing or to punish the marauders. Big hunting parties scoured the country, passing over the farms regardless of the apprehension which they caused the owners. A feint of the compensation which had been demanded was met some time afterwards by sending in 36 horses instead of 762 which had been taken, and in lieu of the large number still owing many more cattle than were due were sent in, but these for the most part were poor and useless animals, the refuse of Basutoland, old and worn-out oxen and bulls, many of which were smitten with lung sickness. These

were refused as those which were taken were the best of the farmers' stock. Many of the farmers themselves with their families went into defensive laagers and feared to go near their places. H. Olivier ventured to do this, but he was soon surrounded by Lebenya's Kaffirs, who were most threatening and abusive. It was quite clear that he with Poshuli and Jan Letele were disposed, if not quite ready, for war. Moshesh was not to be trusted; every complaint elicited from him a declaration of a desire for peace with perhaps a statement that Basutos were not the only people in the world who stole. It was at this time that he was undoubtedly in communication with Kreli in connection with war on the Colony. The Basuto trouble at this time was not the only influence which was threatening almost, if not quite, the extinction of the Free State. That young and struggling community had an enemy in the north which was even more determined on its annihilation. Mr. Boshof, in a letter to Sir George Grey, to whom he communicated all his troubles and difficulties and on whose advice and co-operation he so much relied, said, on February 27th, 1857, that a most unexpected and inexplicable circumstance had taken place. Mr. Pretorius, the late Commandant-General of the Transvaal Republic, had always been on the most friendly terms with him. In the month previous, December, 1856, he paid an unexpected and very hasty visit, proceeding as far as Fauresmith. Since his return to the Transvaal there had been vague rumours to the effect that, as the three years' guarantee agreed upon by the convention entered into with Sir George Clerk expired on the 23rd, Pretorius claimed possession of the Free State. On the evening of Saturday, the 21st, a son of Moshesh arrived in Bloemfontein, stating that Pretorius had appointed his father to meet him there that evening, but that the chief being unable to ride such a distance he (the son) had been sent to learn the pleasure of Pretorius. The same day several well-known advocates of the old Pretorius party also arrived, and the next day, with an escort of 10 Transvaalers and 40 Free Staters, Pretorius himself entered the town.

It then became known that messengers had been despatched in various directions to call his adherents together as he intended to claim possession of the country by virtue of a cession to his late father of all the emigrants' lands. On the 24th he had an interview with the Volksraad, when that honourable body, in a resolution, repudiated his claim. They expressed their deep displeasure at his presence in Bloemfontein and desired his speedy departure. To this Pretorius, on the same day, replied as follows:

"The Right Honourable the Council of the Orange Free State, on the receipt of your Right Honourable resolution of February 24th, 1857, I have to inform you that I am of opinion that I have quite satisfactory proof that I rightly claim the lands of the emigrants

between the Orange and Vaal Rivers and that I consider it my duty to protest in the name of the South African Republic against the legality (probably he means illegality) of the authority of the Government at present existing here over the emigrant lands. I, in the name of the lawful Government at whose head I am and which I now represent, declare that I will be at all times ready to maintain my claim to the emigrant lands and protect the lives and property of the inhabitants.—M. W. Pretorius."

Boshof was very anxious to have nothing to do with Pretorius, as, he said, the Transvaal Government was in the habit of dealing in children which they captured in their wars or procured by other means, a practice which he had spared no pains to put down. He, therefore, appealed to Sir George Grey to warn Moshesh against Pretorius and to proclaim that his pretentions to the Free State were unfounded. He further asked whether Sir George Grey would be willing to make a treaty of alliance with the Orange Free State, that is, in some measure to annul the abandonment.

This correspondence and an account of all these affairs were sent to Sir George Grey, who transmitted them to Downing Street. He took this opportunity, as he always did, of expressing to the British Government his entire disapproval of the abandonment of the Sovereignty; and in this instance he said he warmly welcomed Mr. Boshof's request that there should be some treaty of alliance with the Orange Free State. He considered that all this trouble was an indication of the danger to the Colony there was in having two independent republics on our borders. As will be seen later, such opinions as these got him into serious trouble.

Pretorius having met with the refusal and opposition from the Volksraad then determined to gain his end by force. On his return to Potchefstroom, he organised an armed commando of 350 men with three small cannons and, on May 22nd, crossed the Vaal into the Free State; in fact it was something of a "Jameson Raid." But Mr. Boshof was not to be caught napping. He knew of it almost as soon as it was intended and immediately called out a commando of 400 men under Commandant F. Senekal to prevent further intrusion of the Transvaalers, and proclaimed martial law. Fortunately for the Free State a curious political complication had arisen in the Transvaal. So far from that country being unanimous in this matter there was a portion of the people who were willing to go and assist the Free Staters and to fight against Pretorius. At that time there was great dissention in the South African Republic. No less than four great men were claiming to be Presidents, namely, Pretorius, Schoeman, Potgieter and Joubert, each with his own posse of armed followers. As far back as 1855 there had been trouble between Pretorius and Potgieter. In that year C. J. Brand had been asked to go up to the Transvaal to settle matters between them, but he declined.

Lydenburg, formerly Ohrigstadt, a portion of the Transvaal, declared itself a separate and independent Republic ruled by its own Government in opposition to that of Potchefstroom. Mr. Coetzee, the Chairman of the Lydenburg Volksraad, tells us (1) that this was because of the lamentable state of affairs in the country north of the Vaal. A further element of discord was that the Dutch Reformed Church of Lydenburg wished to come under the Synod of the Cape, while the Potchefstroom people opposed this in the fear that it might be the thin edge of the wedge of the Transvaal coming again under British rule. There was a tendency of Zoutspanberg to join with Lydenburg. So that in those days the motto *Eendracht maakt macht* did not apply to the Transvaal.

But to return to the two commandos which were standing face to face in the hot sun on a sandy and treeless plain in the district of Kroonstad. Mr. Senekal sent to the Transvaalers a messenger with a white flag in order to learn their intentions. They returned the compliment by sending to the Free Staters a number of men with white flags, making, as it were, a great demonstration of peace. Neither side seemed willing to open fire on the other. The peacemaker on this occasion was none other than Paul Kruger, who was with the Transvaalers, but entirely disapproved of the action of Pretorius. He acted as negotiator.(2) It was decided that a treaty of peace should be drafted and signed by delegates of both sides. Perhaps another inducement to the Transvaalers to abstain from striking a blow was that they knew that Boshof had received a letter from Schoeman and Joubert offering their services to the Free-Staters against Pretorius. In any case, all right-about turned and, with their bandoliers as full as when they started, made for their homes. Thus ended a most bloodless conflict. A number of delegates were chosen from each state (Paul Kruger was one for the Transvaal), and on June 2nd, 1857, a treaty of peace was signed. The chief points of this were: Each State acknowledged the other to be independent and to have the right to govern as it thought proper; the Orange Free State demanded a declaration that the attempt of Pretorius to render powerless the existing authority of the Free State and to incite rebellion was an unlawful and highly censurable act and, further, that the South African Republic deputies acknowledge that they could find nothing in any documents which could give their Government any claim to lands in the Orange Free State; and that the President of one State does not visit the other without previous formal intimation. In spite of all this, however, as will be seen, Pretorius a few years later *did* become the President of the Orange Free State.

Shortly after the abandonment of the Sovereignty, it seems that

(1) *Vide* enclosures to despatches G.H., Vol. 3, 1857.
(2) *Vide* Memoirs of Paul Kruger, page 63.

some of the people communicated with Holland with a view to forming some kind of alliance with that country. But for a time nothing came of it. In 1855, however, a Mr. M. C. Hiddingh arrived in Cape Town and very soon passed through to the Orange Free State and Transvaal. As he did not call on any of the Government officials and seemed, so it was thought, to behave in a mysterious and suspicious manner, Sir George Grey regarded it as an unfriendly move on the part of the Netherlands, and brought the matter before the notice of the British Government. Mr. Hiddingh, who lived in Drenthe, was a civil servant of the Netherlands Government. At this time he was on leave and visited the Cape Colony on private business connected with an inheritance. But he was charged by the King of the Netherlands to deliver a letter to the President of the Free State congratulating him on the acquisition of their independence and giving that country a national flag and coat of arms. The matter was brought before Sir Ralph Abercrombie, Her Majesty's minister at the Hague. He, in turn, communicated with Baron Van Hale, the Netherlands Minister for Foreign Affairs, hoping that there might be some satisfactory explanation of the questionable procedure. The explanation given was perfectly satisfactory. It was that on a previous occasion overtures had been made by the people expressive of their wish to renew their connection with Holland. But (said Baron Van Hale) these overtures had been declined as long as the independence had not been formally declared by Great Britain. Now that this had taken place and fresh overtures had been made, the desired recognition was accorded and the designs for a national flag and coat of arms were sanctioned.

During 1857, the incessant outrages committed by the Basutes upon the Free State farmers became worse and worse until at the end of that year there could be no doubt that the state of affairs could end only in a war. There had been continued and increasing stealing of cattle and horses. During the ten days ending March 16th, 300 horses had been taken in the Winburg district by Moletzani's people. Far from Moshesh having complied with his agreement and word of October 6th, several hundred horses had not been given up—the few which had been delivered were miserable Kaffir animals—the farmers had to see their own good animals being ridden by the thieves. The incursions and encroachments on public and private lands also increased, houses and orchards were destroyed and the places were occupied by the thieves to the exclusion of the rightful owners, who, after a time, feared to go near their quondam homes. Appeal to Moshesh was useless, as he maintained that the lands had only been lent and that his people had a right to do as they did. It was clear that the Basutos, if not eager for war, were not solicitous to prevent it. They undoubtedly cared little for the letter on behalf of the Volksraad

which Mr. Boshof sent to Moshesh in February, 1858, telling him that the end had come, that the extreme limit of wrongs had been endured and that any further act of hostility would be regarded as a declaration of war.

On March 11th, Mr. Boshof demanded from Moshesh answers in writing to certain questions which he put to him. They were: Are you willing to compel Poshuli and Lebenya to pay for the damages caused by them and their people on the despoiled Boers? The other questions were included in that of asking Moshesh whether he intended to fulfil all the promises he had made at the meeting on October 6th, 1855. Moshesh answered in writing on the 22nd, or his missionary did for him. As was to have been expected in view of the experience in dealing with him, no satisfaction was gained. He told the usual story of permitting Boers to settle temporarily on lands which he lent to them and that these people after a time regarded the alleged loans as grants, even to selling them to others. And he protested against the Warden line. As will be seen later, if priority of occupation gave a title to the country, there may be something to be said for the Boers having been in these parts before Moshesh took up his position at Thaba Bosigo and formed the Basuto tribe. The President replied to Moshesh's letter on the same day. He told the chief that the unsatisfactory character of his answer made it now impossible to dismiss the armed commandos and that measures for the defence of their just rights had become unavoidable. With his letter the President forwarded a proclamation, dated March 19th, 1858, in which he epitomised the grievances which the State had against the Basutos and the dishonesty and prevarication of Moshesh himself. He then stated that, with the advice and consent of the Volksraad and Executive Council, he declared that no other course was open than that of asserting by force of arms their rights against the guilty Basutos and to treat them as enemies.

As soon as Sir George Grey knew that war with the Basutos was immediately pending and that there was a likelihood, in fact almost a certainty, of the Dutch in the Colony being willing to go to assist their kith and kin in the Free State, he issued, on the strength of the Foreign Enlistment Act, a proclamation on the 24th (March) enjoining upon the inhabitants a strict neutrality. No one was to be permitted to cross the Orange River to take up arms against the Basutos. But Sir George Grey, in view of the conditions laid down in the convention of 1854, found it impossible to enforce strict neutrality, for, according to these, the Free State was permitted to supply itself with arms and ammunition to any extent—arms and ammunition which had been imported into the Colony and forwarded on to the Free State, while it was forbidden to supply Basutos and other natives with the means of defending themselves. This in a measure was tantamount to

encouraging one party to attack another which was on that account incapable of defending itself. He brought the matter before the British Government as another evil arising out of the abandonment. The Basutos endeavoured to overcome the difficulty of being refused a supply of gunpowder by making their own, but it was not a success. The product was almost useless; a small quantity was obtained by the military authorities and found to be so.(1)

As in the case of the Kaffir wars in the Eastern Province, a complication arose due to the interference of people at a distance who could not have been fully informed of all the circumstances and the causes of the quarrel. It will be remembered that the Cape Town *Commercial Advertiser* at the time of the Kaffir war in 1835 published misleading—putting it in its very mildest term—matter which alienated sympathy from the despoiled British and Dutch colonists of the East. And now at this time we find the Cape Town *Argus* acting in a similar manner. And as the *Advertiser* had its champion in Dr. Philip, so now the *Argus* had its champion, strange to say, in Mr. Joseph Millerd Orpen. Although Mr. Orpen had been a member of the first Volksraad and had done much in formulating the constitution of the Orange Free State and, withal, had been a landdrost, he fell foul of the Free State Government and dissevered his connection with it in February, 1857. He then espoused the cause of Moshesh and the Basutos. Perhaps some reason for the *volte face* attitude may have been found in the fact that he had married a daughter of the Rev. E. S. Rolland, the missionary of the French Mission Station of Beersheba, near the northern bank of the Orange River. A comprehensive study of these matters cannot but lead to the conclusion that the Boers of the Free State did not desire war, but rather wished to live in peace on their farms, and that, like the Eastern Province colonists, were forced into it by the continual depredations upon their property. Moshesh himself acknowledged the villanies of the peoples of Poshuli, Lebenya, Moletzani and others. Yet these people were to be held up as innocent victims of Boer inroads. It must, however, be said that much of the trouble was due to the dispute over the boundary line between Basutoland and the Free State, the settlement of which was to have been made by Sir George Clerk, but which he entirely neglected. But had it been made, unless it was dotted at frequent intervals by police stations, it would not have prevented stock thieving.

(1) The following are the results of the tests: 10 grains were fired from a percussion musket with balls 14½ to the pound, into a target of deal plank ¾in. thick, compared with ordinary powder under the same conditions. The following were the results:

	Basuto.	*Service.*
1st round at 5 yards' distant	3–16 in.	through
2nd round at 10 yards' distant	2–16 in.	through

Early in 1858 we find Mr. Orpen (1) acting as a kind of adviser to Nehemiah, the son of Moshesh, at a meeting between that chief and Mr. Sauer, the landdrost of Smithfield. Mr. Sauer refused to tolerate any interference on the part of Mr. Orpen; he put him under arrest during the meeting and then ordered him to quit the country. But he took no notice of this. Mr. Burnett, the magistrate of Aliwal North, writing to Sir George Grey shortly after the meeting, said: "Mr. Orpen is still in Basutoland; he is Basuto mad and I can make no impression on him. . . . The Free State authorities are not ignorant of his object, namely, to strike the State through Moshesh. . . . I think it is anything but proper that he should be attached to Moshesh's staff at such a juncture. . . . I thought I had dragged him out of Free State politics by getting him across to survey the Reserve, but it was in vain. He is an excellent fellow."

On March 16th Mr. Boshof wrote to Sir George Grey on the matter. He said he had reason to suspect that Mr. Orpen was advising the

(1) *Mr. Joseph Millerd Orpen.* The career of this good and public man is worthy of more than a passing notice. For very many years he figured largely in affairs of the Free State, Basutoland and Cape Colony. A thoroughly conscientious, brave and upright man, he courted neither public approval nor feared public disapproval. At times, however, he seems to have been worried by a bee—probably several—in his bonnet and to have acted in a manner which the wise considered scarcely consistent with common sense. He was the fourth son of Dr. Orpen, M.D., F.R.C.S., and was born in Dublin on November 5th, 1828. He was to have studied medicine, but as two of his brothers had already migrated to South Africa to take up sheep farming and two more about to join them, he felt called upon to throw in his lot with them. The brothers sailed from Liverpool on September 2nd, 1846, and in 146 days reached Algoa Bay. Then after a slow ox-wagon journey of nearly a month, they arrived at their farm Taaiboschfontein, near the present De Aar. Times were bad in Ireland, as they nearly always were. As the Orpens suffered considerable loss of property and South Africa seemed to be a land of promise—for at that time there was considerable emigration activity in progress—Dr. Orpen himself left his native land and arrived in this country in 1848. He afterwards became a Church of England clergyman at Colesberg, where he built the present English Church. As sheep farming in South Africa, as viewed from Ireland, was found, on the spot, not to be as congenial and profitable as was anticipated, Joseph Orpen took up the study of land surveying and was soon a qualified surveyor. Then his public career began. Sir Harry Smith authorised him with a Mr. J. H. Ford to survey all the farms in the then Sovereignty and to lay out the townships of Kroonstad and Harrismith. Mr. Orpen was an ardent, it might be said, violent anti-abandonist and could at times scarcely find the appropriate words in which to express his disgust of Great Britain having so far dismembered the Empire by throwing away Sovereignty. He held office for a time in that country, then left it and espoused the cause of Moshesh and the Basutos. He became also the champion of the native children, who were said to have been stolen, kidnapped, by the Boers from their parents and reduced to a state of virtual slavery—the Black Ivory traffic, as it was called. This for a time became a very big question in connection with the Transvaal and Orange Free State. He saw much military service, having served in the Kaffir war of 1850 and later against Langalibalele, and then as chief of the Intelligence Department under Cols. Lanyon and Warren. In 1871 he entered the Cape Parliament and, later, was associated with Mr. Rhodes in his Imperial schemes. In 1897 he became Surveyor-General of Rhodesia and was in charge of the Department of Lands and Agriculture with seats in the Legislature and Executive Councils. After a very long and active life he died at East London on December 15th, 1925, at the very ripe age of 97. The author is greatly indebted to him for the many interviews and the many very long letters with which Mr. Orpen favoured him.

Basutos to take the hostile attitude lately assumed by them and that his reports to the *Argus* were, in themselves, enough to excite a rupture between the two peoples. He hoped the Governor would order such men to remain in the Colony. He hoped, further, that he would put some sort of curb upon the Press. Sir George Grey replied that the rights (and presumably wrongs as well) of British subjects and the Press could only be determined by the courts and that in no other way could the Government interfere with them.

The remarks in the *Argus* which gave offence were : In the leader for March 10th : " We have, it is true, spoken to the Basutos of their numerical strength and their wrongs. We side with Moshesh because we believe him to be an injured individual." In another number the editor thanked Mr. Boshof for acknowledging that the *Argus* has caused the Basuto to assume a more determined attitude and to trust to the goodness of their cause although abandoned by Great Britain. " We continue to encourage them to be firm but to avoid striking the first blow."

As Moshesh had refused to give a satisfactory answer—or any answers at all—to the questions which had been put to him by Mr. Boshof, or to give assurance that he would take steps towards ameliorating the unhappy state of affairs which the Basutos had brought upon the Free State, and as their depredations had increased beyond further endurance, war was declared upon them on March 19th, 1858. It was clear that it had to come. In this war the Free Staters seem to have had no definite scheme or plan of action ; each unit of burghers seems to have done as it chose without order or discipline. And though circumstances may have driven them to it, it was unfortunate that their first attacks were made upon the mission stations. On February 22nd, Mr. Sauer, the Landdrost of Smithfield, wrote to the Rev. E. S. Rolland, the missionary of Beersheba (French mission station), stating that he hears that a chief named Moletsi, who was living on the station, intended going out on a hunting tour with, of course, a number of people. As this would cause excitement in the then unsettled state of the country, he asked Mr. Rolland to dissuade Moletsi from taking that step, and he seems to have done so. It should be explained that a " mission station " was really a vast tract of country on which the members of the congregation had their own places, their huts, cattle and probably fields under more or less cultivation. In a sense a " mission station " was an assemblage of native farms with at one spot a church, school and mission house and perhaps a printery and workshops of various kinds, all this forming the village. Such was Beersheba, originally known as Zevenfontein.

Two days after the declaration of war, Mr. Rolland received the following letter from Mr. Sauer : " By order of the President, I have to request you to give orders to the people of your station to

remain still and quiet, for if they are found armed, the station will pay for it most dearly and be broken up (opgebroken worden). Mr. Rolland, assuming that Beersheba formed a part of Basutoland and not the Free State, answered this by saying that he could not take orders from the President but only from Moshesh. All the same, however, he did comply with the request and apparently did his best to maintain neutrality among his people by ordering those who would not obey him to leave the place.

It was promised that Beersheba should be in no danger if the people besides remaining quiet would hold no communication or correspondence with the enemy. The chief Moletsi and his people left the station, though probably more in alarm than with hostile intention. On the evening of the 22nd, Mr. Rolland received intimation from Mr. Sauer that he would visit Beersheba, but as it was war he could not be expected to come unarmed, though the visit would be made in a friendly spirit. His plan was to make sure, in the first place, that there was nothing to be feared from the mission stations of Beersheba and Hebron, two stations which were on the main road to the interior of Basutoland and both of which were claimed to be in the Free State. He did not wish to leave an enemy in his rear, but to subject those within the limits before going against the enemy outside the State. Accounts of the attack on Beershcba are very discrepant. We have, on the one side, that of Mr. Rolland and on the other that of a commission which was afterwards appointed to investigate the case. According to the former, at nine o'clock the next morning a Boer commando appeared on the hills surrounding the station. Mr. Rolland went forward with a white flag, the Boers, on seeing him, shouted and hoisted red rags or flags on their muskets. A Boer messenger went to meet Mr. Rolland and asked him if it was peace. Mr. Rolland answered " Yes," and said that the only people who were likely to offer any resistance had left the place. He returned to his house. The commando divided into two parts, one went after Moletsi while the other went into the village, passing Mr. Rolland's house. Orders were then issued for the delivering up of all arms. While this was being complied with a cannon opened fire upon them, when one man was killed. This was followed by a general fusilade from the muskets, when thirty people who fled into a ravine were killed. The greater part of the village was then pillaged and set on fire. The arms collected amounted to thirty guns and a number of assegais and battle axes. The property of the missionary was left untouched. Three days afterwards ten waggons were sent to remove it to a place of safety.

According to the other version, when Mr. Sauer wrote on March 22nd to Mr. Rolland about neutrality, he wrote also to the Government Secretary at Bloemfontein, saying " I shall march against Beersheba to-morrow morning early with about 360 men." According to Mr.

Sauer, Mr. Rolland had acknowledged that some of the people on the mission were hostile. Hence, as a matter of precaution he took a strong force with him against those natives and placed an ambush on the Caledon River to prevent any of them from escaping. With regard to the alleged unnecessary firing upon the place, the Boers remained in position two hours, during which time three demands to the people to give up their arms were made, but without avail. Further, some of the mission people first fired on a party of burghers under one du Plessis. The raising of the red flags was totally untrue. As to the burning of the village, two or three houses were burnt, but they were those which were giving cover to some of the enemy who were firing on the burghers and could not be dislodged. The force did go in a friendly spirit; no attack was contemplated. Had Beersheba remained neutral and shown no hostile disposition no harm would have come to the place. Thus began the war by what was called the massacre of Beersheba.

Having settled matters to their satisfaction at Beersheba, the commando moved on to the missionary station of Morija—another French station. There the problem was somewhat different. At Beersheba there had been, in the first place at all events, only a suspicion of hostility, which was afterwards confirmed; but at Morija it was avowed. That place was the residence of the great chief Letsea, the eldest son of Moshesh. He and his people had been some of the foremost in the stock depredations and the driving of the Boers from their lands. And their missionary, the Rev. Arbousset, was in bad odour. As was to be expected, he had no great love for the Boers and sided with his people. According to the witness, A. H. Smit, who, in 1851, had to go to Morija to complain to Letsea of trespass of his people on the Boer farms, was told by the chief that he would not acknowledge any boundary. An appeal to Mr. Arbousset gained nothing. He said: "I neither knew nor acknowledged any line and my advice to my community is to elbow out the burghers. I asked him if this would not lead to mischief. He answered: I do not mind about that; should a war arise from it I shall defend it with my community till I have gained or perish." Hence Morija had more reason to fear the Boer rising than Beersheba. Strict orders had been issued by the Government and the commandants that all missionary property was to be respected. The Boer force advanced towards the town. It seems to have got quite out of hand and, as an undisciplined rabble, to have done whatever it chose. It included, as has already been pointed out, some of the worst characters of the German Legion, who were out for any diversion and mischief. Commandant Senekal did all he could to restrain the men and introduce something like order, but in vain. The Boers fired on the town. Mr. Arbousset with his family, together with a few English traders, fled to the moun-

tains, where they remained three days in the cold and snow. Mr. Maeder, the assistant missionary, remained in his house and was uninterfered with. The assailants overran the village, destroying all property which came in their way. Mr. Arbousset's house was pillaged and burnt—the Germans were active in this—all his valuable books and manuscripts, together with a large number of New Testaments and other books in Sesuto were lying scattered about the place in a half-burnt condition. In the church the doors, windows and stone pulpit were smashed.

One English trader lost property to the extent of £714 17s. 3d. and another £206 12s. 6d. The natives do not seem to have taken any steps to defend the place or to make a counter attack. They had most probably fled to Thaba Bosigo, Moshesh's stronghold, to prepare for the Boer attack, which was expected at that place. On the part of the Boers the attack on Morija may be said to have been an unopposed motion.

This Smithfield commando cannot be said, so far, at all events, to have seen much actual fighting, for at these mission stations they had everything their own way. But it was very different with the Winburg commando. This was under the command of F. Senekal and W. J. Pretorius. On March 26th they attacked the people under Moletzani, Molapo and Moperi and drove them out of their domains; 170 burghers against 800 of the well-armed enemy. One Boer was killed. All these fights seem to have been very one-sided as far as the casualties were concerned. The Boers had a field piece and good gun powder, while the native had to defend on very poor home-made powder and their assegais and battle axes, which latter were, of course, next to useless at a distance. It was impossible to estimate the number of killed on the side of the natives as in many cases they carried off most of their dead. In this case the enemy was said to have been repelled with great loss. The commando, which had been augmented to about 300, made its way to a place near Cathcart's Drift, on the Caledon River, and there formed a defensive laager. But the numbers of the enemy were also augmented and thousands are said to have surrounded this camp. It seemed as if all Basutoland had risen to the occasion. Letsea had a force of 3,800, Poshuli and Lebenya 1,200 and Morosi, who was living in the Wittebergen location on the south side of the Orange River, crossed the river with a big following (this was denied).

Strange to say, the worst thief of the lot, Jan Letele, forsook the Basutos and became an ally of the Free State. But he does not seem to have been of much use to them. At all times he was impartial and prepared to steal from Boer and Basuto alike.

On April 12th the Boers left the camp to attack the surrounding enemy. A severe hand-to-hand fight took place, when six Boers were

wounded and " many Kaffirs were shot." After a repulse, due to the good effect of the cannon, the enemy returned in greater fury and drove the Boers into the cover of their camp. The next morning a further onslaught was made on the camp " but the intrepid Winburg burghers went manfully to meet them." There was a hand-to-hand fight for four hours without interruption until the enemy began to retreat in all directions. The list of killed and wounded contained 17 names. The camp had to be evacuated on account of the many dead Kaffirs lying around. The cannon evidently had justified its existence. While all this fighting was going on near the camp other Basutos were taking advantage of the occasion to rob farms. One party of 17, mounted and armed, captured 176 cattle and 20 horses. Field-cornet Naude, with a party, attacked the thieves, killing eight of them and recapturing all the stock.

After all this the Boer forces concentrated at the base of the almost inaccessible mountain, Thaba Bosigo, the stronghold of Moshesh.(1) But all the Basutos congregated there also. It was said that 4,000 well-armed Basutos were occupying formidable positions, and challenged attack. Now an extraordinary thing happened among the Boer forces. Recognising the difficulty and danger of the position, the Krygsraad or War Council, suddenly announced its intention of retiring from the field and returning to their homes. It was said that reinforcements and ammunition were wanted before the onslaught could be attempted. The Commandant-General protested against this action of the run-away commandants and field-cornets and men deserting their posts. This, however, availed nothing. The commando was broken up and all dispersed to their homes.

(1) *Note on Moshesh.* In many respects Moshesh was one of the most remarkable native chiefs there has ever been in South Africa. He rose from insignificance and obscurity to be the most powerful agent for good or bad, chiefly the latter, of his time. His method was unique. Roughly, it might be said to be that of destroying his enemies by making them his friends. But this, for the most part, was associated with faithlessness, an utter disregard for the honour of his word, a clinging to those whom he feared and the making of promises which he never intended to keep. Always talking loud and long about his desire for peace, his actions—or perhaps want of them—brought about a state of continual turmoil and war. Born about 1793, he was the son of Mokachane of the Bamonaheng tribe, a common man, that is, one who was not connected with or descended from any of the royal lines. In his youth he showed a superiority over other youths of his age and gave signs of his future greatness. He was ambitious and let it be known that he wanted to be a great chief. His name then was Lepogo. When quite a lad he distinguished himself by driving off—that is stealing—all the cattle belonging to a chief, Ramonaheng. He did it so superbly and with such admirable technique that, in the metaphorical language of the time and place, he was said to have shaved Ramonaheng's beard. In his honour his name was changed to Mosheshwe—onomatopoeic of the sound made by the razor in passing over a stiff beard. An old and wise man, Mothloni, instilled into the mind of the young Moshesh certain good principles and advice which he followed and which in a large measure moulded his character and guided him in his future actions. As a result of the advice of Mothloni he would have nothing to do with witchcraft. Mothloni had told him that " power was not acquired by medicines ; the heart is the medicine." He was advised never to kill anyone on account of witchcraft ; to molest no traveller on the way and to marry many

On May 11th, 1858, the following Government notice was issued by the State President: "Whereas a majority of the officers of the Krygsraad at the camp before Thaba Bosigo had declared that time should be given to the burghers to rest from their operations in the field and prepare for a great campaign should it be required; also to provide themselves with what is indispensible thereto and deeming that the object of the expedition had been partly attained by the punishment of the Basuto chiefs, Poshuli and Letsea, for their past offences against this State, it has been determined to stop offensive operations. And for these reasons the commando has been disbanded." But on May 20th he wrote: "The Boers' unaccountable break-up have brought me in such a fix as I never was in in my life. They imagine they have given Moshesh such a licking as will keep him quiet for many a day. Poor fools. After the conduct of the Boers in this war I am indifferent as to what will happen. I pity the State. The English ought never to have given it up."

The next day, May 12th, in pursuance of steps towards peace which he had initiated on April 27th, Mr. Boshof thus wrote to Moshesh: "We have now been nearly two months at war and much blood has been shed on both sides. As a man and a Christian I would wish to see an end of ruin. Mr. Pretorius, the President of the South African Republic, has offered his services to bring about a cession of hostilities. I have, therefore, thought proper to write you this letter requesting to be informed whether you are willing to receive Mr. Pretorius or a deputation to be sent by me."

wives. Acting upon this advice and his influence increasing, he, in early manhood, conceived the idea of collecting together the many strangers, the remnants of the tribes which had been almost exterminated by the Zulu invasions. Statesmanlike he saw the disadvantages of the old system of divided tribal independence, its lack of possible combination in resisting a common enemy and the mutual jealousies. He possibly pictured himself as the future monarch of this federation. A commencement was made by the formation of a mixed community of Butha-Bule in the present Basutoland, and thus came into existence the Basuto nation. In accordance with precedent it is curious they were not called the Bamosheshwe. Afterwards Thaba Bosigo became the metropolis of Moshesh. In many respects he was a wise ruler. He put an end to the cannabalism which was rife in those parts in those days; he prohibited the importation of strong drink into his country and thereby earned the approbation and smiles of the missionary societies. He welcomed missionaries into his country, but really only for political reasons. He himself never embraced Christianity. He said the Gospel was good enough for Fingoes, but it was of no use to him. But for all this he could not rule his sons or any of his subchiefs, who coveted their neighbours' stock. The vagabond Jan Letele, who claimed blue blood as a descendant of a great chief of a different tribe, held Moshesh in contempt. "Who is the son of Mokachani"? he asked, "whom the white men as well as the Basuto regard as a great chief. Who is he who has usurped dignity and power to which he had not been born? Can anyone trace his descent or connect him with the heads of our race?" Thus Moshesh lived and governed, but as age told upon him his power and influence waned until in his old age he counted for almost less than nothing. Almost forgotten and utterly neglected, he pined away, suffering at times from want of food. His power over his people was quite gone. He died on March 11th, 1870. "So entirely sunk in oblivion was the man who had once been the most prominent chief in South Africa, that hardly a colonial newspaper contained an account of his death."—Theal. Fragment of Basutoland History.

In a long, rambling, semi-pious letter, Moshesh answered it on the 16th: "Good friend," he said, "I, Moshesh, do greet you Moshesh. You speak of peace. I am sorry that you ever did speak of war; it is not Moshesh who began the war. I thought the whole war was intended against Poshuli, but when you attacked the innocent and harmless Beersheba I was grieved beyond all comprehension. I did not intend to disturb you on your march until you outspanned in view of my mountain; before I began to strike I wanted to ascertain what was the true intention and power of the Boers; whilst they were forming their laager at Thaba Bosigo I said within myself I am a dog and if my master, Boshof, beats me, I shall bite him. However, for reasons unknown to me, your commando would not come to a fight; after a short visit the laager broke up and made for Bloemfontein. Tell Mr. Pretorius that I am always his friend; we must both thank him for his good wishes, but I must tell you that I have got enough confidence in your own Government without requiring the mediation of a foreign power. I will receive your deputation."

On May 18th a deputation consisting of J. J. Kock and J. A. Cronje for the Free State, and S. J. P. Kruger and M. G. Schoeman for the Transvaal, met Moshesh and Joshua at Thaba Bosigo. It was agreed that every burgher of the Free State should return to his dwelling uninterfered with by any subject of Moshesh; that thefts on both sides should be stopped; that all cattle and horses taken from the South African Republic during the war should be returned and that in the event of war breaking out again, Moshesh should engage not to permit the public roads to be disturbed and to allow all travellers to pass in safety.

The lot of President Boshof was not, and had not been, a happy one, and in this year, 1858, troubles upon him increased. Weary of dissention and depressed with a consciousness that, however hard he had struggled to do the right thing, but little good had resulted from his endeavours; he resigned his position on February 22nd. Naturally he was unpopular with those who adhered to and wished to see Pretorius as President. But so greatly were his services valued that the Volksraad prevailed upon him to withdraw his resignation. He did so, but obviously with the intention of freeing himself at no distant date. His great anxiety at this date was the Basuto war, which he ardently hoped to bring to an end. On April 27th he sent a despatch to Sir George Grey in which he described the increasing difficulties and distress in the Free State, the destruction which the Basutos had brought upon the place and the sufferings of the people. He pleaded with the Governor as a man of great influence and a Christian to mediate between the belligerent parties and to bring the war to an end.

Fortunately at this time the Cape Parliament was in session, thus

Sir George Grey was able to bring this despatch before both the Legislative Council and House of Assembly. After short debates in both Houses it was agreed unanimously to ask the Governor to undertake this good work but not in any way to compromise the Colony. He consented, and notifications were sent to Mr. Boshof and Moshesh on May 6th.

Besides soliciting aid from Sir George Grey, Mr. Boshof at the same time appealed in a confidential letter to Mr. Pretorius, the President of the South African Republic. This offended the Governor. In a despatch to the Secretary of State, dated May 27th, he greatly regretted, he said, that Mr. Boshof had not more unreservedly stated the nature of the correspondence which it appears had passed between him and the Transvaal. Had he known this he would have hesitated in offering to act as mediator, more especially as language regarding Great Britain and the Colonial Government had been used which might create hostile feelings.

Mr. Pretorius, who was ever desirous to gain some, perhaps all, authority over the Free State, seized with avidity this invitation to assist in restoring peace. There were still many secret friends in the Free State who would be glad to see him as President in the place of Mr. Boshof and who would not lose this opportunity of bringing him into power and extinguishing the Free State in a union of the Cis- and Transvaal countries. Without loss of time he entered the country with a commando and went to Winburg, where Mr. Boshof met him.

The chief subject of the conference between the two Presidents seems to have been that the Transvaal could not be compelled to assist the Free State against Moshesh, but if the two States became one and the Basutos could be regarded as a common enemy, it would be different. Pretorius was promised that he himself and a deputation should be permitted to address the Volksraad in Bloemfontein. Sir George Grey, however, had pointed out that in the case of this union, it would be for Great Britain to consider which of the stipulations in the conventions would then be binding upon her. These conventions were concluded with independent and separate States and under very different circumstances, so this proposed union would nullify them; deliberate violation of them by either of the two States which had contracted them would constitute a ground for insisting on their modification or a refusal to be bound by them. Pretorius with Paul Kruger and others formed a deputation, which presented itself to the Volksraad. But in the end nothing was done, the movement was considered to be premature.[1] A good number of Pretorius' adherents were present and tried to interrupt the debates. The Volks-

[1] *Vide* Notulen der verrigtingen van den H.Ed, Volksraad gedurende de Zitting van Junij 1858.

raad accepted the mediation of Sir George Grey unanimously. On this, as on all other occasions, Sir George Grey lost no opportunity of urging upon the British Government the policy of which he was so firmly convinced, namely, the only one which could bring peace and prosperity to South Africa was federation. "I still believe," he said, "that nothing but a strong Federal Government which unites within itself all the European races in South Africa can maintain peace in this country and free Great Britain from constant anxiety for the peace of her possessions here." Prophetic of 1910! This view was shared by Mr. Boshof. It was thought that the Orange Free State could not hold itself much longer as an independent state; its treasury was almost empty and the country was disorganised with no expectation of improvement; one party was looking to Pretorius for strength while the other was hoping that England would re-annex it.

The nominal cessation of hostilities—nominal as cattle thefts and Basuto violence were almost as rife as ever—was really a prolonged armistice, during which both sides were waiting for the appearance of Sir George Grey. Not until towards the end of July did public business permit him to leave Cape Town. He reached Bloemfontein on August 20th, and on the 25th he left for Thaba Bosigo to interview Moshesh. This must have been a preliminary meeting with the chief in which it was agreed that Moshesh should meet the Governor and the Free State delegates at Beersheba on the ensuing September 15th. On that date Mr. Boshof and nine delegates met Sir George in the undamaged church at Beersheba. But the individual whose presence was most desired, namely, Moshesh, did not appear. He had written on September 8th saying that he was very old and was often troubled with headache and would not be able to be present, but he had selected two of his people to represent him and to act in his name. He had said all he had to say to the Governor when he met him at Thaba Bosigo. This letter did not reach Beersheba until the day of the meeting. Great was the dissatisfaction and disgust at the great chief's behaviour. His two delegates, Magaai and Jobo, did not inspire confidence as there was a feeling of distrust as to how far Moshesh would consider himself bound by what they promised. It was seen afterwards that there was good ground for this distrust.

On the 17th Moshesh wrote to the Governor apologising for his absence and begging him not to be angry with him as he was old and the state of his health did not permit him to make long journeys.

To this Sir George Grey answered as follows on the 20th:

"Great Chief Moshesh. Your letter, dated September 17th, has just reached me, about 40 miles to the south of your mountain, where I shall arrive early to-morrow.

"Great Chief, you must excuse me saying I cannot understand

you. You now tell me you are old and that on account of the state of your health you are afraid to undertake any long journey. When I saw you a few days since you were strong and well, although I told you it would be more convenient for me to meet you at Aliwal, as saving me a long journey, you yourself named Beersheba as the place of meeting, and promised to meet me there on the 15th. You then expressed no fear of the journey. I made a hurried journey of nearly 450 miles to be at that place of meeting at the time named. You wrote to me on the 8th of September to tell me you would not come to the place of meeting; had you sent that letter direct to Aliwal it would have met me on the 11th and have prevented me from going uselessly to the place where I was to meet you and have saved me the last 40 or 50 miles of my journey; but you caused your letter only to be delivered to me at the place of meeting on the morning of the 15th, I having arrived there the previous day, and this, although I had told you that time was of the greatest consequence to me. To the meeting you sent not your elder son or principal chiefs, but a set of messengers who, under the circumstances, it was, in your absence, a public affront to send to me. That this was well known to your people was shown by the disrespectful remarks of some of them and the rumours that were spread. I wish to say no more on the subject. (Signed) G. Grey."

Sir George Grey and the delegates of both sides, in the continued absence of Moshesh, met at Aliwal North on September 29th, "when and where" a treaty of "lasting (?) peace and amity" was signed.

According to this another line of boundary between the two countries was agreed upon,[1] all subjects of Moshesh were to withdraw from the Free State side of the line without compensation, but ample time to remove their property and growing crops was allowed; the tract of country called Beersheba was to fall within the Free State, but 6,000 acres were to be reserved for the use of the mission; there was to be a public road with outspans from Aliwal North into Basutoland; criminals from both sides to be delivered up to the authorities of their own country; the spoor law was to continue in force and stolen cattle and horses were to be restored by the chief into whose country they were traced, a compensation given and the thieves to be dealt with according to the law; hunting parties of Basutos in the Free State must have permission from the Landdrost of the district in which the hunt is to take place—failing this the hunters to be regarded as enemies and treated accordingly; Jan Letele and natives not belonging to Moshesh, who during the war had assisted the Free State, were not to be molested. Signed in the presence of Sir George Grey by nine delegates of the Free State and three on behalf of Moshesh. This was known as the *Treaty of Aliwal North.*

This treaty had yet to be ratified by Moshesh and the Volksraad,

(1) For this *vide* Basutoland Records, Vol. I, pages 476 and 482.

more especially by the former, in view of his shifty behaviour throughout. To this end, Mr. Burnett, the magistrate of Aliwal North, set out on October 11th on a journey to Thaba Bosigo. On the way he called at the mission station of Hebron, when he learned from Mr. Cochet, the resident missionary, that Moshesh was not pleased with what had been done. Hence there was the prospect of difficulty at Thaba Bosigo. Mr. Burnett arrived there on the 13th and ascended the mountain to Moshesh with the Rev. Mr. Jousse, who acted as interpreter. As was to have been expected, Moshesh continued vacillating, saying one thing at one moment and the opposite the next. He denied that his two delegates had power to act in his name; he would not hear, at first at all events, of any boundary which included a part of the Warden line. The long discussion, if it may be so called lasted two days and they were just about where they were at the beginning. Mr. Burnett told the chief that if he did not agree with what Sir George Grey had done and did not sign the treaty, war will break out again and would have to be fought out to a finish. "How can I say there shall be no more stealing?" he asked. "People steal all over the world; the whites have prisons for thieves and yet thieving is going on"; and with reference to the clause about hunting: "My people are hungry," he said. "They have gone away in hundreds to kill game and get food; a man who feels hungry is a man who has no ears to listen to any orders tending to restrain him to get food where food is to be found. I cannot keep this law; it is not possible for me to promise it." After much talk Mr. Burnett, having put the whole position in detail before him,[1] Moshesh signed and sealed the document, on October 15th, 1858. Thus ended, *on paper*, at all events, the war of 1858.

Actually, as far as depredations and violence were concerned, there was not much difference between the state of war and the paper peace. Poshuli and Moletzani especially were as active as ever. And Jan Letele, whose presence on the frontier was a formidable obstacle to peace, continued to show his impartiality by stealing from Boer and Basuto alike. Moshesh was very wrath at Letele's reception as Free State subject. Much damage was done during this armistice. The Basutos ignored entirely the regulations with regard to hunting. Large parties roamed at their own free will over the whole country and did not limit their activities to the capture of wild game.

Moshesh and his Basutos did not consider it incumbent upon them to seek the prescribed permission as they maintained that the country originally belonged to them and their ancestors and that they had been ousted by the Boers. This question in connection with Basutoland itself had been the subject of an investigation by a commission in order to provide Sir George Grey with information at the time when

[1] For details *vide* Basutoland Records, Vol. I, pages 486 to 495.

be went up as mediator. The chief question was that of the priority of occupation. The following may be quoted as the kind of evidence which was collected in support of the view that the Basutos themselves were only recent inhabitants of that country. One Coetzee said that in 1819 he went with a hunting party from the Colony into the country between the Orange and Caledon Rivers, that he saw no natives except a "small clomp" of Bushmen without any cattle. In 1823 he made another expedition and saw only Bushmen; there were no kraals or anything that indicated that the land had been previously occupied by tribes possessing cattle. Again, between 1827 and 1830, he visited those parts and found a few people with cattle in the Koesbergen; he met a few starving Basutos, who said they had been driven away from their homes in a distant country; excepting these the country was uninhabited.

J. H. Snyman in 1824 journeyed as far as Zevenfontein (afterwards Beersheba), saw only Bushmen, but no Basuto. *J. T. Snyman* in 1828 went up the Caledon River to near the vicinity of Thaba Bosigo. He saw neither Basuto nor kraals. *Van Schalkwyk* was up in those parts in 1821. He went as far as where Letsea's town (Morija) was, but he saw no inhabitants but Bushmen. In 1828 he travelled to the foot of Thaba Bosigo. He did not hear of Moshesh until 1831. And so on in the same strain with other witnesses. But for all this, the people called the Basuto were undoubtedly in those parts in the early years, but in that wide and difficult country they were probably so scattered as not to have been met with by the Boer hunters. The time of these Boer visits was when, during the bloodthirsty raids of Chaka, tribes were decimated and the survivors ware seeking refuge in almost inaccessible places. It was these scattered peoples which the farseeing and remarkably able Moshesh gathered together and formed the composite tribe called the Basuto—somewhere about 1833—and established his impregnable fortress of Thaba Bosigo. Hence it was probably quite true that the ancestors of the Basutos were, to an indefinite extent, the early occupants of the country, and hence the great opposition to any boundary line and the resistance to the curtailment of their freedom in moving wherever they liked.

So far from peace having been established after the '58 war, it was obvious to the dullest intellect that matters were heading for yet another struggle. It came within a short seven years—in 1865. The unhappy state of affairs which existed and had existed for so long, was greater than Mr. Boshof found he could bear. He therefore tendered his resignation in February, 1859. The Volksraad, however, begged him to withdraw this and, at his request, granted him six months' leave. He went to Natal, but did not return to the Free State. In his stead Mr. E. R. Snyman was appointed Acting President. He held office until February, 1860, when Mr. M. W. Pretorius

gained what he had been striving for for so long, the Presidency of the Orange Free State. This gave offence to the Volksraad of the South African Republic at Potchefstroom, who very strongly objected to Mr. Pretorius (1) holding that office while he was their own President.

Before leaving Mr. Boshof, mention must be made of an important matter which tended to bring disgrace upon the Orange Free State and one which at the outset of his rule he determined to suppress. In his presidential address at the opening of the Volksraad on February 4th, 1856, he said: "It is known to your Honours that in the month of July last a report was made by the Landdrost of Winburg (Mr. J. M. Orpen) to the Executive Council that he had taken some Bushmen and Kaffir children from certain Odendaals and others. These people, or those from whom the children were taken, were accused of having forcibly captured them from their parents and that on two occasions the horrible crime of murder had been committed. In order that an investigation might be made into the matter, information was sent to the Natal Government, as the alleged offences had taken place not far from the north-eastern border of that Colony. A commission of inquiry, consisting of Messrs. J. M. Orpen (the Landdrost of Winburg and the great champion of ill-used natives), Cauvain (the Justice of the Peace for Harrismith), Bruel (member of the Council), Van Aardt and P. M. Bester was appointed. Towards the end of August this commission arrived in the neighbourhood of the Buffels River. It grieves me to have to come to the conclusion that this mission did not achieve its purpose. It seems as if such difficulties existed between Mr. Orpen and the other members that they refused to submit a joint report. There exist five separate reports and two journals. Although the State incurred great expense, approximately £140, in order to get at the truth, there is yet the difficulty of coming to a conclusion as to which of these reports give a true and unprejudiced account of the matter. On the one hand it is stated that the children were taken by force from their parents (according to the statements of the children themselves the parents were killed in cold blood on account of the resistance they offered); on the other it is asserted that the parents willingly disposed of their children to the farmers on account of lack of food, in the case of the Odendaals, for such small compensation as a tinder-box, a knife, a piece of cloth or some tobacco

(1) *Note on M. W. Pretorius.*—Mr. W. Southey, in writing to Sir George Grey on June 18th, 1860, said: "Pretorius is somewhat different from his late father. He appears to me to be a very quiet, modest and naturally inoffensive man. There is nothing showy, much less bombastic about him. His objects, so far as I can see, or understand, are to do *good* rather than evil. In many things I quite agree with him, and more especially in one, viz., that whenever a war is forced upon the white man by any tribe of Kaffirs or natives, such war should be prosecuted with the utmost vigour, not simply for revenge, but to obtain justice and prevent a recurrence of such wars in the future." Sir John Kotze, the late Chief Justice of the Transvaal, knew Pretorius personally. He told the author that he quite endorsed Mr. Southey's opinion. Pretorius, he said, was a gentleman in the truest sense of the word.

for each child. It is stated that there are many of these children with the people at Buffels River, who take them out of sympathy in order to save them from perishing by hunger. People there often have more than they require and readily dispose of some to others. One of the members of the commission (Van Aardt) has acquired two of these children, a Bushman and a Kaffir, from a certain Van Rooyen, and one from C. L. Stretch. It is not mentioned whether he gave them any compensation. Comparing the statements from the accused persons at the Buffels River or those concerned with them in child stealing with the declarations of the Kaffir chief Namaintsha and other matters mentioned in both journals, your Honour will best be able to judge how far the conclusion arrived at by one of the members of the commission (namely, the statement of the Landdrost of Winburg had not been found to be true, though it had been found that the Odendaals had bartered children) is founded on good grounds. I do not hesitate to say that your Honour will feel with me a certain amount of grief on account of this incident wherein three or four of the burghers of this State have come under the strong suspicion of having either taken part or been accomplices in the abominable crime of child stealing and murder, and that if it were allowed to make judicial inquiry into offences committed outside the boundaries of this State a responsible jury would perhaps, under the solemn oath, pronounce a judgment which would afford an opportunity to the Government of the Free State to show to the world that neither the Government nor the generality of the burghers will tolerate the charge of being slave traders.

It is known that there are several such children among the burghers of this State who have come mostly from farmers in the Republic across the Vaal, to whom they were *ingeboekt*, that is they acquire the right to their services until they attained maturity and then sold them at £10 to £20 each. But it is not apparent to me, with the exception of the Odendaals, that on any occasion violence has been used, as they have always obtained these children second or third hand. They have no notion of the illegality of this transaction and they make no secret of it; they repudiate the accusation of wanting to introduce slavery into the Free State."

The Odendaal incident referred to above is as follows:

On June 16th, 1855, when Mr. Orpen was travelling in his wagon on official business, two small, half-starved Kaffir children approached. On being questioned as to who they were they stated that four days previously they had run away from the farm of one Adriaan Odendaal on account of having been beaten, and that they had been stolen from their parents a short time previously. Mr. Orpen inquired of the field-cornet of the district whether the children had been properly

apprenticed to the Odendaals. He answered that they were not and that he did not even know that these children were in the Odendaal's possession. The elder was a girl about ten years of age, the boy about two years younger. On questioning her further she said her name was Mathlong, that she and her little brother, Kokhola, belonged to a tribe called the Bathelung or Moklapise, which some time ago had been attacked by Panda. One morning she and her little brother went to fetch some water, when suddenly a party of Boers rushed upon them, caught them and took them away to their kraal. They carried off also some other children. Mr. Orpen asked her what her father did while this was happening. He did nothing, she said; he dared not do anything. The same day the Boers went to another kraal and took more children. The father of one of them resisted this theft of his child and was shot. The Boer took all the children to some wagons and there divided them, seven of them were carried off by the party which stole her. One of them is in the possession of Jacobus Odendaal. According to Mr. Orpen, Mrs. Odendaal sent a young Kaffir on horseback to recapture the two children. Mr. Orpen asked him what he knew about them. He said he was not present when the children were taken. His master, Adriaan Odendaal, with some others went with waggons to hunt beyond the Drakensberg, that they went out one day to spy a kraal and found the children by the water and that a Boer servant of Odendaal caught them and others. The Kaffir seemed to think his master was quite right in carrying off the children because they were padda vreters (people who eat frogs).

After this inquiry Mr. Orpen wrote the following note to Mrs. Odendaal:

" Dear Madam,

This morning two little Kaffirs came to my wagon. They declare that they were captured beyond the borders by Mr. Adriaan Odendaal, and I have made inquiries from Mr. Engelbrecht, the field-cornet, and find that they are not apprentices. I have, therefore, taken them into my custody until I can investigate the matter further and cannot hand them over to your little Kaffir.(1)

J. M. Orpen,
Landdrost.

(1) Haman Spruit, Juni 16, 1855.

My Juffrow,—Heden Ochtend zyn er twee Kleine Kaffertjes by myn wagen gekomen. Zy geeven voor dat zy door de Heer Adriaan Odendaal over de grenzen gevangen waren en ik heb vernomen by den Heer Engelbrecht, veldtcornet, en vindt dat ze niet apprentjes zyn, dus heb ik ze nu in bewaaring genomen tot dat ik de zaak verder kan onderzoeken, en kan ze niet aan uwe Kaffertje af geeven.

J. M. Orpen,
Landdrost.

The following is Mr. Orpen's further account of this matter:

"Valsh River,
De Wet's Farm.
June 18th, 1855.

Yesterday afternoon (Sunday) I rode with the other members of the Land Commission to the farm Vrish Fontein, occupied by Piet Mostert, and the wagon in which I had placed the children followed. I had just off-saddled at Mostert's house when my servant, Andries, who had remained behind with the wagon, galloped up and said that Zacharias Steinberg and Jacobus Odendaal and some other Boers in a cart had overtaken the wagon, and the two farmers had torn the children violently out of the wagon and driven them back towards the cart, which was behind, and said that if I wanted them I could write (fight ?) for them. I jumped at once on horseback and, seizing my gun, galloped off at a racing pace after the cart. While the field-cornet and Mr. Prinsloo and my servant followed as quickly as they could. About eight miles from Mostert's house I overtook the cart. Jacobus Odendaal and Z. Steinberg were riding behind and J. Odendaal, junior, and Mrs. Odendaal and a son of Mr. Prinsloo were in the cart with the two children. I galloped past Steinberg and Odendaal and up against the off-horse in the cart and, springing off before the horses, I called out to them to give me back the children, saying that anyone who resisted I should make him prisoner. They sprang from the cart and young Prinsloo ran to a distance. The two Odendaals and Z. Steinberg rushed at me and seized my gun, which they endeavoured to wrest from me, while Mr. Odendaal pulled me behind, all cursing and swearing at once. I held fast and they could not get the gun out of my hand. After a time Andries came up and took hold of one end of the gun, when I let go one hand and gave Odendaal junior a blow behind the ear, which made him lose his hold. We continued struggling for the gun until the field-cornet came up, when he pushed aside old Odendaal and I wrenched the gun out of Steinberg's hands. Steinberg then jumped into the cart and endeavoured to drive off, but I drew my knife and cut the harness. They all swore they would die on the spot, but would never give up the children. I stood at the horses' heads with my gun, and said that although I did not curse and swear I was nevertheless determined to recapture the children which I had taken under my protection. After a great show of knives and cursing they at length gave in and I carried off the children."

Yet another child-stealing adventure of Mr. Orpen must be recorded. It happened during the journey of the commando which went out ostensibly to punish the robber chief (*vide ante*) Witzie. It will be remembered that Mr. Boshof, who went part of the way with

the commando, forbade the taking of any orphans who might result from the fighting. The commando of some six hundred men moved forward and formed an encampment. One morning just as day was breaking, Mr. Orpen tells us, he awoke and found a party of his men had left the camp, and he heard the firing of muskets in the distance. "I was alone on the ammunition wagon. I ran to the Commandant, General Louw Botha, and questioned him. He said the field-cornet, Nicholas Muller, of the ward nearest to Bloemfontein, in spite of law and order, had secretly left the laager with his men before daybreak and had gone to a cave where he learnt there was a large number of women and children and only two very old men. Muller and his men, who were mounted and riding in single file, were returning to the laager. Each man had one or two children on his horse, one in front and one behind the rider. The mothers were running alongside with tears streaming down their faces and pleading for their children. I told Commandant General Botha to go with me to the men and to act with vigour and determination and make them restore those children to their mothers. He only said to them pitifully 'People, why do you do such things. You know what the President said,' and then he slipped away. I made him return and order the commandant, Frederick Linde, to tell field-cornet Muller to take those children himself and restore them to their mothers. He gave that order feebly and slipped away again. I asked Muller quietly whether he intended to obey that order. He turned away without answering, when I heard a shout of uproarious laughter. I instantly marched up to the first man, Daniel Grobbelaar, who was afterwards member of the Volksraad, seized the child he was holding and pushed it towards its mother. I did this with one after another until I had returned all, some thirty-five children. All the men were so stupified for the moment as to give in. But presently D. Grobbelaar said: 'No, damn it, I shall rather fight than give up my child.' He seized it and presented himself for fighting. 'I too,' said another man, Botha, who was beside him and did the same. I was filled with deep feeling and the Divine immanence. I had shortly before heard of the death of my dear father, of whom I was thinking. I went close up to D. Grobbelaar: 'Do you mean it in earnest that you will rather fight with the Landdrost than allow the law and righteousness to have due course?' He said 'Ya, Mynheer Orpen.' I said: 'Well, Mynheer Grobbelaar, let it be so.' I had had fights before. I walked a little aside to a chair, on which I laid my upper garments, and then I raised one hand to the whole half-moon crowd of the assembled commando and, raising my voice, said: 'If this scandal must happen that the Landdrost has to fight with his own fists to cause law and righteousness to have their course, then the shame of it lies on this whole commando and not on me.' I walked up to Grobbelaar and said, bowing politely, 'I am ready, Mynheer Grobbelaar; put up your

hands.' He dropped the child's arm and his own eyes and hands. I said, still politely, 'Mynheer Grobbelaar, have you decided to let the law and righteousness have course?' He said 'Ya, Mynheer Orpen.' Again bowing to him, I said: 'Thank you, Mynheer Grobbelaar, it is better so.' I then gave the children back to their mothers. Curiously, not one man in all this commando said one word more to me, and two days afterwards I found on my return from a patrol that the whole commando had, without leave, disbanded and gone home."

There seems to have been considerable kidnapping activity in the Transvaal, and some of the children thus captured to have been *exported* into the Free State. In consequence of this the President issued the following proclamation: "I, Martinus Wessel Pretorius, Commandant-General, having information that, in contravention of the laws existing here, native children are exported to other places, do hereby proclaim that the aforesaid exportation of children, under what pretence soever, is, from this day forward, prohibited and forbidden by me, in the most positive manner. And I further proclaim that all persons who have been, are, or may become guilty of the above-named transgression of the laws of this country, are hereby warned and called upon, first to bring back the children already exported; second, to abstain from this day forward from all infraction of the law of this country. And I proclaim further that should it appear that any person or persons have been guilty before or after this proclamation of the aforesaid exportation of native children, such parties shall be indicted and prosecuted according to law, by the proper authorities and punished accordingly.

"Given under my hand at Magalies Berg this 30th day of July, 1855.

"God Save the Volksraad. M. W. PRETORIUS."

As was indicated by his remarks in his opening speech before the Volksraad, Mr. Boshof was no less anxious to suppress child stealing than was Mr. Pretorius. But the moving spirit in the matter was Mr. J. M. Orpen, with whom it was almost an obsession. The following curious letter came into his possession in Winburg:

Potchefstroom,
December 17th, 1854.

True and loving husband,

This will inform you that we are all well and hope that, through God's blessing, this will reach you in health. With respect to further news, your corn is reaped and stacked and —— has returned home with all the other people. He has for his share six head of cattle and one Kaffir girl. Mr. —— has brought with him thirty-two large girls and has distributed them among the people at the rate of half a sovereign each. On the 20th of Jan. another commando will go from here to Maloeck, but which is as yet kept a secret. Your loving wife and child R. Pretorius.

Undoubtedly actuated by Mr. Orpen, Mr. Boshof sanctioned the formation of a commission of investigation, which was to travel into the parts where children were alleged to have been stolen and to collect all possible information. The commission consisted of Mr. Orpen himself and the four Government officials—Messrs. M. Cauvain, P. M. Bester, Van Aardt and E. Bruwer. These were picked up as Mr. Orpen's journey proceeded. He started in his wagon on August 14th and wended his way towards Natal. The route they took is somewhat vaguely defined as *via* the Beggars Berg, Stretcher's River, Steyn's River and the Buffels River to Utrecht, where they met Commandant Klopper. It was then decided to co-opt Field-cornet C. Van Rooyen and one Nicholas Smit.

They then came upon some of the information they were seeking. Van Rooyen stated that a certain Meyers had just arrived on his (?) farm with seven slaves, which they had obtained from the chief Umswazi for a horse. It appeared that Klopper himself had three children of the same tribe. It was hoped that an important source of information would be the chief named Namainja (Namakalikintza), who lived near the Pongolo River. The commission therefore moved on to his place and on September 1st found him, and very willing to talk. All having squatted down in a semi-circle they plied him with questions. Asked whether any of his children had been stolen, he answered " No ; the only children he had lost had been those taken in war." In answer to Mr. Orpen's question as to whether there were any Bushmen living among his people, he said : " Yes, and from them children had been taken." This last statement was suppressed by the interpreter, but Mr. Orpen's servant, understanding it, pointed out the omission. It soon became clear that there was some malign influence present, which was, to some extent, intimidating the chief. After some beating about the bush, the following statements were elicited from him : He had heard that white people had carried off children by violence and that the parents were threatened to be shot if they refused to let them go ; white people did come and barter Bushmen children for cattle ; some of his own people had taken Bushmen children and bartered them with white people ; the Bushmen exchange their children because they knew that they would be taken by force ; he was afraid to tell the names of white people who had been there. The chief seemed to fear the presence of Van Rooyen, who asked him if he knew that when a man makes statements he cannot prove he gets punished ?

Having thus interviewed Namainja, the commission returned to their wagons, which had been left at some distance. A discussion then ensued, when all except Mr. Orpen considered that they had done all that could be expected of them, and, therefore, it was not worth while to go further or put the Free State to any more expense.

Acting upon this, they returned to their homes and left Mr. Orpen to carry on as he liked. He returned to Namainja and found that he had feared to speak unreservedly in the presence of Van Rooyen, who, he said, could tell all about child stealing. He feared him because he had great influence with Panda, and when he wished to injure him he need only send to Panda and say that he (Namainja) was meditating deserting to the English. He had already done so and thus brought the Zulu army upon him. He was afraid to furnish the evidence asked for by the Free State Government. " You who would befriend me," he said, " will be far away and not hear me when I cry, and by the time it reaches you I shall be dead. I dare not offend Van Rooyen or the Boers in the neighbourhood."

Namainja accompanied Mr. Orpen on the further journey to the Umkonto River in search of Bushmen. They met one Makozani, who was willing to talk. He was asked whether it was a custom among his people to sell their children or to give them away willingly. He said he had never heard of such a thing; three of his children had been taken away by some servants of the Boers; he feared the result of resistance, but he acknowledged he had received a few articles in return. He mentioned the names of nine others from whom children had been taken. Among them was Maxendeka, the father of the children Mr. Orpen then had in his possession in Winburg. Presumably those he had rescued from the Odendaals. A search was made for Maxendeka, but he could not be found.

These commissioners, with the exception of Mr. Orpen, instead of sending to the Government one comprehensive report, decided that each separately should give his own account of the expedition. These reports, for the most part, were short and contained little of the information which was desired. *Van Aardt* said that he had obtained no verification of Orpen's statement concerning murders of Bushmen and child stealing; that it was very improbable that people (meaning presumably Boers) would take native children when they could be so easily obtained in other ways and with but little trouble. He himself brought with him two children—a Kaffir and a Bushman—about seven years of age. The Kaffir, who was obtained from Field-cornet Van Rooyen, and the Bushman from C. L. Stretch. He was an eye witness of eleven children brought among the people; they looked miserable enough to die from the misery they had already suffered.

E. C. Bruwer agreed with Van Aardt on the value of Orpen's statements. M. Odendaal and others, he said, had obtained the children by barter.

P. M. Bester reported that Orpen refused to produce the evidence for his statements, consequently the commandant, Klopper, had been unable to summon the accused.

All three of these commissioners relied on the fuller report which was made by M. Cauvain. He gave a lengthy account of the conversation between Namainja and the commissioners.(1)

The Board of Landdrost and Heemraden of Utrecht, however, seemingly unsolicited, took up the matter and reported to President Boshoff on September 5th, 1855. Some of the accused who resided in that district were summoned before them and called upon to give evidence. The following is the gist of their statements:

L. Burman accompanied Odendaal and du Plessis on a hunting expedition. They came across a Bushman kraal containing two men and three children. The parents were willing to barter their children for three knives, three cloths, two tinder boxes and some tobacco; no force was used; the children accompanied the men willingly.

Gert Engelbregt was with the hunting expedition. He saw Adriaan Odendaal, J. du Plessis and L. Burman bring three Bushmen children to the wagon. They stated they had been obtained by barter. The children were placed in the wagon, the sail of which was closed but not tied.

C. L. Engelbregt gave much the same evidence. He did not know how the children had been obtained. There was no sign of violence on them; they were not bound.

Isaac Burman and an Englishman, *William Clarke*, gave much the same evidence.

The reports of the commissioners came before the Volksraad on February 22nd, 1856. They were read and were received with great dissatisfaction. It was in consequence resolved "that four of the members of the said commission are not entitled to be allowed their travelling expenses, for reasons following:

(1) The following is the essential part of this conversation:

Orpen told the chief who they were and the object of their visit. He then asked whether it was true that children of his Bushman subjects had been stolen.

Reply: No children have been taken from us except by Panda's Zulus.

Orpen: Children have complained to me. I am a captain. I come from afar and am determined to get at the truth. Tell me now whether children have been taken away in the vicinity of your people.

Reply: Nobody else but the Zulus have taken children from me.

Orpen: Are there Bushmen among your people living at the Umkonto?

Reply: Yes; and of their children I have heard some are missing; white people came and took the children away by force; they have threatened to shoot the Bushman, and on one occasion the Bushmen bartered the children.

Cauvain: If people attack the Bushman will they inform you?

Reply to Orpen: My people also take Bushmen children and exchange them with the farmers.

Cauvain: If Bushmen were killed would you know of it?

Reply: They have told me that one was shot on the Umkonto; it was more than a year ago.

Cauvain: We have come to inquire about a case of Bushman murder and child stealing. Can you help us in the matter?

Reply: They have killed Bushmen and stolen their children more than a year ago. I cannot help you in the case.

(1) Because, by their mode of procedure, said investigation, instead of fulfilling the duty imposed on them, by carrying out a searching inquiry into the grave charges brought against certain burghers of the State, they had suppressed said inquiry at the very point where it should have commenced.

(2) Because the conclusions at which said four members arrived are not borne out even by their own reports.

(3) Because they displayed a determination to thwart the Landdrost of Winburg with a spirit of partiality and a wish to screen the accused parties.

(4) Because one of the said members (without any apparent opposition from the rest), by himself bringing away two Kaffir children from Buffels River, openly counterworked the intention of the Government by promoting what it was their duty to discourage.

(5) That the refusal of said four members to draw up a joint report with the Landdrost of Winburg without alleging any reason whatever, still less a valid one, especially as they evidently acted under collusion and concert among themselves, throws the strongest suspicion of inaccuracy, if not of partiality, on their said reports.

All this came to the knowledge of the authorities of the British Government, but they were unable to interfere to any great extent in the internal affairs of the two Republics, except in so far as the conventions forbade slavery. Mr. Orpen's account and the report of his expedition came into the hands of Mr. Advocate F. R. Surtees, the Arbitrator in the Mixed British and Portuguese Commission.[1]

He, on December 1st, 1855, sent a despatch to Lord Clarendon, the Secretary of State for Foreign Affairs, in which he stated that there were rumours to the effect that in the Republics there was a regular sale of indentured servants at from ten to fifteen pounds each; that such servants were not limited to those who had been captured in war, and that parties of Boers proceeded to the Drakensberg and bartered Bushman children at the rate of a cow for each.

Sir George Grey, he said, had informed him that these rumours were not without foundation and that even some of Her Majesty's subjects had been engaged in the nefarious traffic.

[1] *Mixed British and Portuguese Commission.*—This Commission was established in 1843, under the 6th Article of a treaty concluded at Lisbon on July 3rd, 1842, between Great Britain and Portugal for the suppression of the slave trade. The Arbitrator was an officer who sat with the commissioners in chambers to advise them on any point on which they differed in opinion. For instance, in a question as to whether the capture of a vessel was legal or not. The commissioners could order a vessel to be restored to the claimant, or if the vessel had been declared condemned, a list of the survivors of the slaves on board was made by the Registrar of the Commission and a certificate of Freedem issued to the slaves. The vessel was then offered for sale, first to the British and then to the Portuguese Naval authorities, and if not purchased by them, to be broken up and sold in separate parts by public auction.

It was, however, not left to Mr. Surtees to be the only informant to Downing Street. Sir George Grey himself had had much communication with that office on that subject. The correspondence gave him one of the opportunities of which he always took advantage of expressing, in cautious language, his deep disapproval of the action of the British Government in having created the two Republics. "These Republics," he said, "number among their populations many persons who were for years proprietors of slaves in a slave country and whose affections were in a great degree alienated from the British Government by the manner in which slavery was put a stop to in Cape Colony."(2) The British Government exercised but little influence over the inhabitants of those Republics when it claimed them as its subjects and at last abandoned its duties towards them and left them equally to protect and govern themselves." The report of Mr. Surtees was, by the direction of Lord Clarendon, sent on to Mr. Labouchere.

On February 13th Mr. Labouchere communicated with Sir George Grey asking for a full report of all these matters in order that Her Majesty's Government might consider what steps it might be advisable to take. But the difficulty was how to deal with it. It was illegal for any British subject to be concerned in the slave trade in any part of the world, whether within or without Her Majesty's dominions, but however disgraceful the system is, it is not such a traffic as is provided for by the Slave Trade Acts, or could be suppressed under the enactments and consequently a traffic for which they provide no punishment and which they do not even recognise as an illegal offence; that sort of thing had not been contemplated when the Acts were drafted, but only that which was then and is generally known as the slave trade, that is, the traffic carried on across the sea.

The Hon. William Porter, the Cape Attorney-General, was asked for his opinion. According to this, no clause in either of the Acts 6 and 7 Vict., cap. 98 and 5 of George IV, 6. 113, passed in 1824, makes the holding or possession of a slave a crime. They deal with trading. The offences are not in any way defined which meet the cases of kidnapping or purchasing children beyond the boundary in order to bring them into the Colony or Natal. Child stealing is not slave trading. A man who should snap up a child in Colesberg in order to have its labour in Swellendam might commit not merely a trespass but a crime; but that crime could not, but in a metaphorical sense, be a consignment of the child to slavery. The legal authorities supported this opinion: "It was doubtful," they said, "whether these laws and these Acts apply to the cases of persons removed into the British colonies in South Africa for the

(2) *Vide* C.O., Vol. 114, 1856. (C.O. refers to the Col. Office letters in the Cape Archives.)

purpose of being indentured under the provisions of the local law." They report: "We are of opinion that the indenturing of Native Africans under the above Colonial Ordinances is not an unlawful appropriation of their labour and, secondly, we are of opinion that the transactions if effected by British subjects or within British jurisdiction, do not constitute offences against the Imperial Statutes or any other law for the suppression of the slave trade."

In connection with the Transvaal a—perhaps somewhat hysterical—petition was sent to the Queen. It is worthy of mention, in view of the attention which it commanded. It was signed by only two people, though they claimed to be supported by others who feared to have their names mentioned. The following is the petition: "We the undersigned subjects of Your Majesty, residing at Potchefstroom, capital of the Transvaal Republic, South Africa, respectfully present to Your Majesty our humble petition. We dare not request other residents here to append their names to it, for were its objects to become known, our prospects, our properties and our lives might be sacrificed to the anger and vengeance of the Dutch Boers and the Government. We humbly beg Your Majesty's Government to interfere with and prevent the horrible system of slavery that is carried on in this Republic. Even in this town alone there are upwards of 40 Caffre women and children that have been captured and sold, the wives separated from their husbands, mothers from their children and whole families ruthlessly torn asunder. On any dispute occurring with the Caffre nations near here commandos are issued, the men shot down, their wives and children dragged into captivity, where they have been treated, in some instances, in a manner too horrible to describe. In the treaty of separation, when this country was declared a Republic independent of the British rule, in one article it was distinctly stipulated that the Government was not to allow any slavery to exist, that the passage and sale of slaves was to be prevented, and that immediate information should be given to the British Government should any attempt be made to establish the system, and as the articles of that Treaty have been systematically and publicly outraged and broken, we trust and pray that Your Majesty will approve of the justice of our petition, and, by immediately interfering, cause thousands of slaves to be restored to freedom that are now languishing in hopeless captivity, and also by so doing prevent some of the useless wars and inroads that are made by the Boers on the Caffres, merely with the intention of enriching themselves in the manner described. They beg the Queen to appoint a fit and proper person to be Consul, to see that the Articles of the Treaty are adhered to."

The matter came before the Executive Council. They acknowledged that this petition was strongly worded, but it was not destitute of foundation. "The Status of Slavery," the Council believed, was not

recognised by the laws of the Transvaal Republic; nor are human beings sold publicly as chattels within the territory; but commandos organised to punish some real or alleged aggression of a native tribe do, it is believed, bring back women and children who are "ingeboekt" amongst the farmers for long terms and nominal wages, whose labour is really compulsory and whose services are not infrequently without the consent of the natives. The Council does not conceive that further enquiry into the subject by British authority would do any good unless Her Majesty's Government was prepared to interfere actively in the administration of the affairs of the Transvaal Republic. The state of things which exists there arises from the disorganisation of Government and society which cannot be put an end to otherwise than by the establishment of British authority, a step which the Council is not prepared to recommend and one which Her Majesty's Government has repeatedly declared its determination not to take." Here for a short time external interference in the alleged slavery affairs of the Transvaal ceased. But during the reign of Sir P. Wodehouse it took a new lease of life and threatened the existence of the Republic itself. It commenced on December 4th, 1865, when one G. J. Steyn, of Potchefstroom, thought it his business to bring before the notice of Sir P. Wodehouse an account of the arrival in Potchefstroom of two men, Carl Schmidt and Heindert (apparently German) from Zoutpansberg, with two loads of young Kaffirs, males and females of ages varying from three to twelve years of age. There were thirty-one in all. These were disposed of at prices ranging from £15 to £22 10s. each. In some cases they were exchanged for cattle.

"The horrors of slavery," Steyn said, "are daily increasing here without any prospect of our Government taking any measures to prevent it. The following are as near as possible the words spoken to me a few days ago by one of the young Kaffirs who has just been sold, a boy of about twelve years of age. "The Boers shot my father; I was busy milking a buck when one of them took me away. My mother wept bitterly to have a parting look at me, but she was driven away by one of the Boers with a whip." The Governor, on January 8th, 1866, sent this letter to Pretorius. Referring to the sale of the thirty-one children: "Such a transaction," he said, "would be so gross a violation of the terms of the convention of January 17th, 1852, that I am compelled to solicit at your hands a distinct and comprehensive refutation of this statement."

As by February 20th the Governor had received no reply from Pretorius he wrote again on that date, saying that he had received full confirmation of Steyn's statements and, further, that the children came into the possession of the dealers by means of the murders of their parents; he urged the President's most serious and immediate attention to those provisions of the laws of the South African Republic

under which native children called orphans, perhaps made so by the murder of their parents, can be registered as apprentices for a term of twenty-one years and can during that time be sold from hand to hand as a marketable commodity. "I must plainly state that such arrangements, no matter under what name they may be disguised can only be regarded as sanctioning practical slavery and as being, therefore, a clear violation of one of the most important stipulations of the convention. The British Government cannot connive at any practices tending openly to effect the enslavement of the native races, neither can it give its friendly and cordial support to a Government which by its laws affords encouragement of such practices." Pretorius, however, had answered the Governor's letter of February 6th and made it clear that he was then actively engaged in doing all he could to put a stop to the horrible traffic. He (Pretorius) was then on his way to Zoutpansberg, where most of the kidnapping took place. This probably accounted for the delay in answering the Governor's letter. As soon as he heard of the abduction of the children by Schmidt and Heindert he issued a warrant for their arrest. Schmidt, by the way, was an escaped prisoner from a gaol in the Free State, while Heindert lived in a cave in Schoemansdal.

When these two slave dealers in their downward journey reached Naboomfontein, the field-cornet of that place learned that Schmidt had in his wagon 800 lbs. of ivory (white) and 19 Kaffirs (black ivory), while Heindert had 16. They were going to trade with them at Maguassie. On February 19th, 1866, Pretorius caused a notice to be issued to all landdrosts. He brought to their notice a resolution of the Volksraad which strictly forbade the indenturing and transfer of the indentured or colonial children. And in the *Government Gazette* for July 24th, 1866, it was stated that it was expedient to bring into review the law prohibiting traffic in slaves. It was enacted that all persons with whom native children reside shall be considered as their guardians, but the Government shall be superintending guardian, presumably to ensure good treatment of the natives. All officials and officers were strictly enjoined to maintain the law which prohibits any hunter, trader or any other person who may visit native tribes from introducing a native child within the boundaries of the Republic under the penalty of a fine of Rds. 2,000 or imprisonment for two years.

But with all this there does not seem to have been much change in these affairs at this time. It was almost impossible to enforce the law, the country was of such enormous and indefinite extent and there was no active police force of any kind, so that circumstances played into the hands of the ill-doer and brought unmerited discredit upon the Government. In June, 1868, the subject of Transvaal kidnapping became a matter of important discussion in the Legislative Council at the Cape. The Hon. R. Godlonton moved that the Governor be

requested to cause to be laid on the Table all correspondence in this connection which had passed between himself and the Transvaal Government since the last session of Parliament. In the ensuing debate it was said that the cause of the disturbances with their concomitant atrocities in the Zoutpansberg was the stealing of children in that district. It was, however, acknowledged that the Transvaal Government was doing all it could to put an end to them.

Many burghers, it was said, had refused to take part in the commando in consequence of their disapproval of these things.

One speaker said it was curious that in connection with the Colonial Kaffir wars one never heard of destitute children in bondage with the farmers, while in the Transvaal, after every petty commando, there were so many. In a commando under one, Schoeman, for instance, 110 destitute native children were seized; 37 of them were disposed of by lot; what became of the others was not known. In short, slavery was carried on under the guise of charity, the children having been rendered destitute by the murders of their parents. The matter came also before the British Parliament.

In February, 1867, Lord Carnarvon wrote to Sir Philip Wodehouse saying that he had received much correspondence about kidnapping in the Transvaal. "If," said he, "it can be clearly proved that the Republic sanctioned slave trading and was, therefore, chargeable with a violation of the convention of 1852, a suitable opportunity has arrived for giving notice to the President that Her Majesty's Government cannot regard the convention of 1852 as any longer binding on Great Britain. Such a declaration would, at all events, enable Her Majesty's Government to abrogate the one-sided provision of the convention which binds them to supply gunpowder to the Republic and withhold it from the native; the Colonial Government would then be able to hold itself no longer obliged to permit the conveyance of arms and ammunition beyond the border."

In November, 1868, the Duke of Buckingham and Chandos, in much the same strain, wrote that he had no doubt a fundamental article of the convention had been violated by the Republic, and that under such circumstances, Great Britain be at liberty to hold herself discharged from all further observance of her engagements towards the Republic.

Lord Clarendon, on March 9th, 1869, wished to know how it came about that there were so many destitute children in the Transvaal as to require legislation on their behalf.

In England, the cause of the Republic was championed by a Mr. Pratt, the Consul-General for the Transvaal. He maintained that the stories and accusations of slavery were exaggerations, that the prevailing feeling of the Boers was strongly opposed to it. "I do not deny,"

he said, "that isolated cases of ill-treatment may have occurred in outlying districts or that Boers in the early days did so, but, with reference to charges reflecting discredit on the Government and people alike, such as obtaining 6,000 children annually and the burning of children alive, I have every reason to believe that on an investigation they will be found to be gross exaggerations. The chief seat of native disturbances had been Zoutpansberg and these appear to have been caused by Kaffir superintendents, who, it would seem, have fostered ill-feeling between the native tribes."

As time went on the Government of the Transvaal became more centralised and efficient and also, with the influx of population due to the discoveries of gold, circumstances became inimical to the continuation of kidnapping and this form of slavery. Hence it may be considered to have died a natural death.

Authorities for this Chapter.

The volume of original letters and documents in the Government Archives, Cape Town, for the dates concerned.

Note.—The symbols CO, GH refer to the classification in the Archives. CO means Colonial Office and GH Government House.

Volumes of original documents in the Bloemfontein Archives.

The Basutoland Records, Vol. II.

The many and long private letters which Mr. J. M. Orpen wrote to the Author.

"Orpen's Reminiscences," a book of 500 pages. Printed in Natal.

Reminiscences of the Free State, by W. W. Collins.

Correspondence between Sir George Grey and Secretay of State, April, 1857.

Blue Book, Transvaal, 1869 to '85.

CHAPTER VI.

CONFLICTS WITHIN THE CHURCH OF ENGLAND.

Although only indirectly connected with Sir George Grey and his Government, there developed and came to a head in his time a trouble which had long been brewing and of which even to-day we have not heard the last. This was the conflict between the two sections of the Church of England—putting it roughly, between the High Church and Low Church. As it became a matter of general interest, some account of it, though only a short one, properly finds a place in the history of that time.

To render the story more intelligible and to trace the matter from the beginning, it is as well to go back to the early days of the second occupation of the Cape by the British, viz. 1806. By the Articles of Treaty at the capitulation it was agreed that public worship as then in use should be maintained without alteration. But what was then in use? The Dutch Reformed Church, though not officially established, had been in existence nearly two hundred years; many churches had been built in different parts of the country and there was a fairly large number of ministers, so that the Dutch Reformed was practically the religion of the country. The Church of England at the beginning of the century and some years subsequently can scarcely be said to have been in existence. The very few clergy who came, and in most cases remained but for a very short time, were Government Chaplains, military or civil, and did not hold parishes in the English sense of the term. A Dr. Griffiths came as chaplain in 1806, but remained only a few months; then there was no Episcopal clergyman in the country. In 1807 there arrived a military chaplain in the person of the notorious Rev. (?) Dr. Lawrence Halloran. Although a man of considerable ability as a preacher and writer, his character was not such as to inspire a reverence and love for the Church. He exposed what he considered to be public scandals in clever verse of a very vindictive and violent kind, with the result that after four years' sojourn at the Cape he was prosecuted for libel, imprisoned for a time and then deported back to England.[1]

[1] Lawrence Halloran was D.D. of Aberdeen University; he possessed wonderful credentials testimentary of his ability and worth. Having been for a time a schoolmaster in Exeter, where he seems to have been a success, he became a chaplain in the Royal Navy and was present with Nelson at the Battle of Trafalgar. In 1807 he was appointed military and naval chaplain at the Cape. In Cape Town he started a school, which also seems to have merited the confidence of parents. Not less was the satisfaction he gave by his preaching, his sermons, which were delivered in a very fine voice, were eloquent and animated. He soon became a popular man in Cape Town,

In 1819, thirteen years after the capitulation, there was a total of three English clergy in South Africa, two in Cape Town and one in Simonstown. The 1820 Settlers added two to the number, the Rev. McCleland, afterwards at Port Elizabeth, and the Rev. Boardman, of Bathurst. In 1826 the number rose to six. By 1840 there were ten, and in 1848, when a new regime of Church activity was to commence,

at least with the civil population; albeit he was of an unprepossessing appearance. A sermon to the military on the guilt of dishonesty, which afterwards appeared in pamphlet form, greatly enhanced his reputation. But his great forte lay in his genius as a poet; this in the end proved his undoing. His poems, though clever, were vindictive and violent, usually dealing with what he regarded as the public scandals of the time. He thought it his duty to interfere in the affairs of the Government and to pillory high officials whom he considered to deserve it. Thus he brought himself into troubles which in the end resulted in his removal from the Colony. Mr. Henry Alexander, the Colonial Secretary, a relative of Earl Caledon, the Governor of the Colony, had had to visit Dr. Halloran with some punishment. He (the doctor) retaliated by bringing the matter before the general public in a sermon, which he preached from the text "Alexander the coppersmith hath done me an injury, may the Lord reward him according to his deserts."

But the officer whom Dr. Halloran regarded with the greatest dislike, if not abhorrence, was General Grey, the officer commanding the troops. The two soon came into conflict. Dr. Halloran championed the case of an officer who was court-martialled for having wounded another in a duel. The General, considering this an undue interference, removed Dr. Halloran from Cape Town to Simonstown. There his pen became even busier. A number of scurrilous and anonymous letters were traced to him. The production which brought matters to a climax was a poem called "Hamilton's Ghost," which described a ghostly visitation to General Grey in consequence of his cruelty and causing the death of a young officer named Hamilton. The circumstances were these. A young officer had been guilty of some breach of military discipline and for punishment was sent in exile to Hout Bay, about twelve miles from Cape Town. While there, some of his relatives on their way from India to England called at the Cape. Hamilton was extremely anxious to meet them, but leave to do so was refused by General Grey. This so preyed on the young man's mind that he committed suicide. On this incident Halloran wrote a long poem against the General. It described Hamilton's spectre visiting the General at midnight and disturbing his slumbers by reading to him a lecture on cruelty and tyranny. The following verses out of many will indicate the nature of the poem:—

On his downy couch reclining,
To rest by opiates composed,
The midnight moon obscurely shining,
The *Grey* friar and his nun reposed.

Howled the tempest round his dwelling,
Gleamed the sky with meteors red,
When arose with hideous yelling,
Spectres of the injured dead.

Hamilton's ghost loquitur.
Far from friends, and country serving
Under thy abhorred control,
Once from honour's dictates swerving,
Frenzy seized my anguished soul.

Dearest friends from Inde returning,
Anchored at this hated place,
While my heart with rapture yearning
Panted for their fond embrace.

Tyrant! Think of me and tremble,
Yes! my shade still haunts thy rest,
Though thy ghostly smiles dissemble,
Guilt's dire pangs should goad thy breast.

there were sixteen, six of them being in the Eastern Province. Of churches there was nothing whatsoever until 1814, when a small one was built at Simonstown. It has long since disappeared. For twenty-seven years, until in fact St. George's, now the cathedral in Cape Town, was ready for Divine service, the authorities of the Dutch Reformed Church permitted the Church of England to hold its services in their church, the Groote Kerk in Adderley Street, Cape Town. It was stated at the time that the Episcopalians alone were drowsy, all other denominations having places of worship, while they were

As one other example of his craftmanship, see the epitaph he wrote on a certain high official who, having played fast and loose with the country's finances, was found out and saved himself from exposure and punishment by committing suicide:

Here lies in death, who living always lied,
A base amalgam of deceit and pride,
A wily African of monstrous shape,
The mighty Quintius Flestius of the Cape.

Rogue, paramount ten thousand rogues among
He rose, and shone like phosphorus from dung;
The wolf and fox their attributes combined
To form the odious features of his mind,
Where kennelled deep by shame and fear unawed
Lurked rapine, villainy, deceit and fraud,
Hypocrisy, servility and lust.
A petty tyrant and a judge unjust,
Partial and stern in every cause he tried,
He judged like Pilate and like Pilate died.
Urged to despair by crimes precluding hope,
He chose a bullet to avoid a rope.
Consistent knave, his life in cheating past,
He shot himself to cheat the law at last.
Acme of crimes, self murder crowned the whole
And gave to worms his corpse, to fiends his soul.

The attacks on General Grey led to his being prosecuted for libel in the High Court of Justice. The case lasted three months. He was found guilty and sentenced to pay the costs of the case, to be banished from the Colony and to be imprisoned until there was an opportunity of sending him to England. So great was his popularity with the civil population that their sympathy for him was shown by presenting to him a purse of £90. He had not been in England long before it was discovered that he had never been ordained, that, in short, he was an impostor. Under assumed names he held curacies in different parts of the country until he was found out and had to move to some other place. This merry life continued until, in order to evade paying the postage of ten pence on a letter he franked the letter by forging upon it the name of a high official who had that privilege. He was arrested, tried and sentenced to seven years' penal servitude in New South Wales. There he continued his literary pursuits, among them "An account of seven years' penal servitude for stealing ten pence."

He died in that country in 1831. When it was known in South Africa that he was not a properly-ordained clergyman, alarm arose in connection with the marriages he had conducted, namely, as to whether they were valid. The matter was referred to the law officers of the Crown of England. They were humbly of opinion "that the marriages solemnized at the Cape by the person officiating as a clergyman under assumed or forged orders cannot be vitiated by the defect of the Holy Orders of priesthood imputed to him."

For a full account of the trial in original, *vide* the massive volume in the Cape Town Archives; also *vide* "Sketches of English Church History in South Africa from 1795 to 1848," by J. A. Hewitt—an excellent work which has evidently been compiled with much painstaking original research.

contentedly slumbering under a borrowed roof. In 1824 St. George's in Grahamstown was commenced. (*Vide* Vol. II of this work.)

In 1825 the Governor gave a plot of land in Port Elizabeth on which a church was to be erected, but, as in most other cases, only a little progress could be made in the building on account of want of funds. In 1827 an impetus to church development was given by the Bishop of Calcutta, who happened to be on a visit to the Cape. There was no resident Bishop in the country in those early years. The Church in South Africa was entirely without episcopal superintendence and such duties as confirmations and ordinations were performed by the Bishop of Calcutta or Tasmania during short stays at the Cape on their way to and from England. On this occasion the Bishop of Calcutta consecrated a piece of land which had been granted by Governor Bourke for church purposes. The Bishop himself must have been instrumental in obtaining this grant, and thus making a commencement of establishing St. George's, afterwards the cathedral in Cape Town. In a despatch of Governor Bourke to Lord Goderich, the Secretary of State for the Colonies, dated October 25th, 1827, he said : " Having been informed by the Bishop of Calcutta that your Lordship had been pleased to promise that a grant of a piece of land in the Government garden or elsewhere in the town as might be deemed expedient should be made for the purpose of having an episcopal church erected thereon. I have the honour to state that I have made a grant in the Government garden of about an English acre in a situation well adapted for the purpose, much approved of by the inhabitants of the town. I made the grant previously to the Bishop's departure, that the ground might be consecrated by him. I have further to state that subscriptions amounting to between two and three thousand pounds have been raised for building the church. I have to request authority to issue from the Colonial revenue a sum of money equal in amount to that which shall be raised by private and voluntary subscription and which will probably not exceed £3,000."

The land was thus obtained, the next step was to find the money to raise the building. There were £850 then in hand and the Treasury granted £5,000. But this was not nearly enough. So recourse was had to a procedure for raising money for church building, which became somewhat common at that time. Much as in the manner of starting a gold mining or other company, money was raised on shares, the interest to be paid from the pew rents. The Government issued an Ordinance permitting this and making certain regulations and conditions in connection with the property and the shares. In the case of Cape Town 250 shares of £25 each were issued. These were very quickly taken up, some people taking as many as ten. In this manner enough money was raised to build the church. The foundation stone was laid with masonic honours by the Governor, Sir Lowry

Cole, on April 23rd, 1830, and the church was opened for divine service on December 21st, 1834. Bathurst, in like manner, issued 104 shares of £5 each towards the £1,000 required for that church. Wynberg 150 shares of £5 each, and so on with others. Both the S.P.C.K. and S.P.G. were liberal in adding to the funds for church building.

By 1844 there were Anglican congregations at Cape Town, Rondebosch, Wynberg, Simonstown, Port Elizabeth, Grahamstown, Bathurst, Fort Beaufort and at Sidbury. The clergy of these congregations were under a kind of loose superintendence by an ecclesiastical board, consisting of the Archbishop of Canterbury and York and the Bishop of London. But it was obvious that at so great a distance such a board in its efficiency to control matters in South Africa was next to no superintendence at all. The want of control by Bishops in the distant colonies had been felt and recognised for some time, and equally felt was the want of the wherewithal to maintain them. In 1841 this difficulty was solved, or very largely so, by the establishment of a Colonial Bishoprics Fund, that is the formation of a capital sum, the interest of which would supply the stipends of colonial Bishops. It was started by the Bishop of London and met with great success. The S.P.C.K. gave £10,000, the S.P.G. £7,500, these, together with numerous other subscriptions, soon raised a very workable sum. The places first to benefit by this fund were the Cape of Good Hope and Adelaide in South Australia, which places soon became bishoprics.

They were especially fortunate in coming under the notice of a wonderfully good and rich lady, the Baroness Burdett-Coutts.(1) To the other sums she added £25,000 towards the endowments of the bishoprics of these two places. The See of Cape Town was thus established. It remained now to find the proper man to become its first Bishop. On May 6th, 1847, Mr. Hawkins, the honorary secretary of the Colonial Bishoprics Fund, proposed the name of the Rev. Robert Gray, who was eventually selected.

(1) *Miss Angela Burdett-Coutts* was, perhaps, the most prominent lady in England in Victorian times. Endowed with great wealth, the object of her life was to use it in doing the greatest good to the greatest number. Relief of unfortunate circumstances arising from poverty, distress and ignorance was her chief concern, and to this end she devoted hundreds of thousands of pounds. Her interests and sympathies were world wide; colonial expansion, the civilisation of native races and the encouragement of industry among them found places in her comprehensive philanthropy. Not by any means were her goodness and liberality confined to England; Ireland, Australia, South Africa, Nigeria and even far-away North Borneo received some benefit from her large-heartedness. She was an inflexible protestant, but no doctrinal partisan, she took not the least interest in the ritual controversies of the time. But she was a staunch supporter of the Church of England, which very greatly benefited by her vast liberality.

She was born in 1814 in London, and was daughter of Sir Francis Burdett, a prominent politician; her maternal grandfather was Sir Thomas Coutts, the great and wealthy banker, from whom she inherited most of her immense

Bishop Robert Gray was son of the Bishop of Bristol, who lived in that city in the turbulent 'thirties. He was born in 1809, and educated at University College, Oxford.

At the time of his appointment to Cape Town he was vicar of Stockton-on-Tees and canon of Durham. He was consecrated Bishop in December, 1847, left for South Africa almost immediately afterwards, and arrived early in 1848. He was a man of strong and resolute character, of untiring energy, and prepared as a pioneer to face toil and danger in building up the new and enormous diocese.

fortune and a large interest in Coutts' bank. She was the richest heiress in England. It was when this part of her fortune came to her that she added Coutts to her name, and Miss Angela Burdett became Miss Angela Burdett-Coutts.

She was educated for the most part on the Continent, but most of her life, it might be said all, was spent in her father's house in Piccadilly, where she became one of the great social lights of London. Her entertainments were lavish but wise; all the great men of the time, those distinguished in science, literature or any other sphere of public life, were frequent visitors. Among them may be mentioned Faraday, Wheatstone, Hooker, Chas. Dickens, Disraeli, Gladstone, the Duke of Wellington and very many others. Queen Victoria herself made much of her and regarded her as a friend.

Of her church benefactions she gave £90,000 to build St. Stephen's Church in Westminster, together with the vicarage and school. She gave £15,000 to the Bishop of London towards the establishment of three other churches, and £25,000 each to Cape Town and Adelaide as part endowments of the bishoprics at these places and a little later a very large sum to found the bishopric of British Columbia. With reference to Cape Town, the biographer of Bishop Gray says: "She intended that her colonial bishoprics should remain in dependence on the Anglican Church at home. In 1866, however, Robert Gray, the Bishop of Cape Town, in course of his dispute with Bishop Colenso of Natal, declared that See to be an independent South African Church. Miss Burdett-Coutts petitioned Queen Victoria to maintain the existing tie, but her action was without avail, and her colonial bishoprics became independent of the Church of England."

Among other far-afield interests was the encouragement of cotton growing by the natives in Nigeria and support to Sir James Brooke in founding Sarawak in Borneo, and a farm for the training of natives.

In England her benefactions were colossal. No less than £200,000 she gave to establish a cheap fish-and-vegetable market for the poor. Unfortunately, it did not succeed, as it came into conflict with vested interests. With Chas. Dickens she was able to see for herself the poverty and squalor in which so many of the poor lived. The result of what she saw was the building of model lodging houses at Bethnal Green for a thousand poor families. She helped to form the National Society for the Prevention of Cruelty to Children, and supported ragged schools and shoeblack brigades. Nor did she forget suffering animals. She was largely responsible for the formation of the Society for the Prevention of Cruelty to Animals, gave £5,000 for providing water troughs for them. Even the poor overworked donkey did not escape her notice. She established donkey shows and gave prizes to the owners of the best kept and best treated animals. For the relief of pain and suffering due to war she sent nurses to the sufferers in the Russo-Turkish War, to the Zulu War of 1879, and the Anglo-Boer War. All this, however, by no means completed the list of her good acts.

Queen Victoria, in admiration for all this unselfishness to the wants of others, conferred upon her a Peerage in 1871, thus she became Baroness, a distinction, it is said, which was gained by no other woman on her own merit. The freedom of the City of London and of other cities followed.

She married in 1881 when 67 years of age, and died on December 30th, 1906, aged 92. Great was the universal sorrow. No less than 30,000 people passed in deep respect and love before her body when she lay in state. For further details, *vide* excellent article in the *National Dictionary of Biography*.

In his bearing towards those who opposed or endeavoured to thwart him he was no meek lamb, but was masterful—perhaps more correctly, domineering. He was the very reverse of conciliatory towards those who did not share his views on religious matters and grudgingly acknowledging the labours of those who before him had blazed the trails and borne the heat and burden of the day, he created a personal dislike towards himself. Throughout his career he was involved in costly and acrimonious litigation. It is to be regretted that the great and good work which he did for this country should have been alloyed with his disposition to beat with an ill-concealed contempt those who differed from him and yet were equally giving up their lives in a good cause.

The religious state of the Colony as he found it caused him considerable perturbation. It was entirely evangelical.

The Dutch Reformed Church was the dominant Church, at least in the West. In the East, due to the labours of the good William Shaw and the 1820 Settlers, Wesleyanism prevailed. In Grahamstown, Port Elizabeth and Bathurst there was a sprinkling of Anglican Church people, but they were all "low church." All this met with great disapproval of Bishop Gray. He tells us that he found every form of religious error rampant; every form of dissent and protestantism throve and held a better position than the Church.(1) The pulpit of St. George's was employed as a vehicle for promoting evangelical alliance against the doctrines of the Church, and those who rented its pews heard denunciation against those doctrines. How awful!

Wynberg was overrun by East Indian visitors, preachers, who with long purses and pious purposes were the pest of the place, he actually caught one—red-handed, so to speak—praying extemporary in the church. At the same time he deplored the neglect of the church.

There were, he tells us, only seventeen Anglican clergy in the whole country, while there were over two hundred ministers of all denominations. In the mission field, though this he does *not* tell us, albeit he speaks well of the Moravians, there had been much activity by, besides the Wesleyans, the Glasgow, Berlin and Paris Societies, the London Missionary Society and the Roman Catholics. In his contempt for Independents and Wesleyans, he brings against them a very serious charge, one so serious that it is difficult to believe that any man in his public position could have done so without very certain proof and unquestioned evidence. He accused them of growing rich by dealing in tea, coffee, *guns and ammunition*, horses and hides. The dealing in guns and gunpowder—gun running in fact—can only have been

(1) "The twenty different sects are endeavouring to bring the church into odium and aspiring to be the dominant church of the Colony. I am personally the chief object of attack. Everywhere we appear to those who have been before us as intruders."

with natives. This was a crime which was regarded by all except the most worthless and degraded traders who carried it on, with the utmost detestation and was visited by the Government with the heaviest penalties. It is quite safe to regard this statement of Bishop Gray as false.

His overbearing attitude and contempt for all other denominations instigated the authorities of the Dutch Reformed Church at their earliest opportunity to put their own position very plainly before him. At a Synod held in Cape Town on November 2nd, 1852, the following letter was sent to him: "We, the Ministers and Elders of the Dutch Reformed Church in South Africa in Synod assembled, having observed in the Letters Patent, published in the *Government Gazette* of this Colony, the title given to the chief pastor of the United Church of England and Ireland at the Cape of Good Hope: 'Lord Bishop of Cape Town,' having also seen the statement published by authority that the diocese of Cape Town contained a population of 750,000 souls which must consequently include the whole population of the Colony and the adjacent country, having further observed the designation given by the said Bishop himself 'The first Bishop of the Church of God in this land,' and having moreover perceived from an official despatch, the claim to precedence made by him and the rank allowed him by Her Majesty's Secretary of State, deem it necessary at this our first meeting after the creation of a Bishop of the United Church of England and Ireland in South Africa to declare in order to prevent misunderstanding as to our exact position that, while the Dutch Reformed Church, the oldest and by far the most numerous religious body in South Africa, claims no precedence to any other branch of the Church of Christ, and is desirous to live in peace, harmony and brotherhood with all, who, although differing as to outward forms or principles of Church government, maintain with her the grand principles of the Reformation, she will not acknowledge the title of any minister of religion which involves a claim of superiority or of territorial power over her own Bishop or people—nor will she respect any claim of precedence made by any religious body whatever.

Thus declared in Synod at Cape Town. November 2nd, 1852.

W. Robertson and P. E. Faure."

The precedence or superior status which Bishop Gray claimed or which was implied in his title of Lord Bishop was a matter of long and deep concern with Sir George Grey, the Governor of the Colony. In the interests of peace and cordial relations he found it expedient to suggest to the Secretary of State its abolition. In a despatch to Sir E. B. Lytton on November 11th, 1858, he said: "It is worthy of con-

sideration whether it should not be understood that any new Bishops who are appointed for South Africa should not be entitled, as of right, to the title of Lordship or to any other precedence in the Colony. I think it would be well that the Governors of the Cape of Good Hope and Natal should not be required by the Royal Instructions to give any peculiar attention to such Bishops, or to the affairs of their Bishoprics other than they are required to bestow upon other Christian denominations. A large Dutch population has now been settled for two centuries in this part of South Africa, who belong almost wholly to the Dutch Reformed Church. They were originally all subjects of Her Majesty and are still so for the most part; they are generally a very religious people and have a prejudice against episcopacy in any form, particularly against the Church of Rome. Amongst them are members of old and wealthy families, their ministers, who are generally related to such families, are often learned and excellent men who have received a European education and who are usually endeared to their congregation by many years of beneficial labour among them. The position of these gentlemen has been much altered in this country by the step which was taken of giving the title of Lordship to the Bishops of Cape Town, Grahamstown and Natal, as also a very high rank in precedence not only to these Bishops, but to Archdeacons. To plant firmly the Church of England here, I think that this can best be done by giving no State titles or peculiar precedence to its Bishops or other officers. The Church of England will lose none of its efficiency, but it will fall more into harmony with the state of public feeling."[1]

In the thirties of the 19th century there came into active existence in England a Church movement which greatly influenced ecclesiastical matters in that country and also a little later in South Africa. This was the Tractarian or Oxford Movement. It is not possible to give here more than a mere outline of it. Suffice it to say that it arose out of a determination to restore to good order and life the Church after a long period of the neglect and decay into which it had fallen. Religion as far as the Church was concerned was, at this time, at a very low ebb. The standard of clerical life was low; there was absenteeism, plurality of livings and neglect of the fabric of the churches. The Church had lost most of its grip on the masses of the population.

The object of the Oxford Movement was to rectify all this by introducing greater dignity and beauty into the public services and to render the Church a large and living institute. There was great need for revival in these matters. The movement had long been fermenting. It is not possible to give any definite date of its origin, but in 1833 a great impetus was given to it when John Keble preached his famous

[1] In 1849 Bishop Gray, with becoming modesty, raised the question of his precedence over the Chief Justice and Puisne judges. He was told, in answer, that he ranked after the judges.

assize sermon on National Apostasy in Oxford in July of that year, and there commenced also the publication of the "Tracts of the Times." Hence the term Tractarianism. Although it seems to have developed into Ritualism, there was in the first place no idea of this in the minds of the great promoters, Pusey and J. H. Newman, the latter of whom afterwards joined the Roman Church. These men in those days ridiculed the idea of Ritualism. Bishop Gray himself said: "I feel indignant at the Romanising members of our Church. Thank God we have no Romanisers here (South Africa). God save men from going over to Rome." In this connection, however, there was much misunderstanding. Many saw, or thought they saw, in it a movement towards Rome and visualised the establishment of the Papacy and the "Holy Inquisition" in South Africa. In that country nothing had been heard or was known about it until 1841, when the Rev. G. Hough, the Senior Colonial Chaplain and incumbent of St. George's, Cape Town, preached some sermons on the "Duty of fasting in Lent," and in other ways showed his approval of the Oxford Movement. The evangelical congregation took alarm; they abandoned St. George's and started a movement to build a non-Oxford Movement Church for themselves. Thus came into existence Trinity Church, Harrington Street, Cape Town. It was this misunderstanding in South Africa which caused so much of the subsequent trouble and in this hostile state of mind arrived Bishop Gray in 1848.

The opposition he found then and afterwards did not deter him in carrying out his plans for the organisation and development of his huge diocese, and in endeavouring to gain upon the neglect of previous years. Very shortly after his arrival in order to make himself the better acquainted with the state of the country, with regard to religion and education, he commenced his visitations, those very long and toilsome journeys into the distant parts, even as far away as far-off Natal. During these he confirmed candidates, very occasionally ordained a clergyman and saw the many places where he desired to establish churches and schools. The journeys occupied many months during which he learned, as a pioneer, to perform all sorts of menial offices of a non-episcopal character, such as lighting fires, feeding horses and washing up cups and dishes. Without going into any details of his journeys, the one in 1850 may be mentioned. Roughly, his route was to Beaufort West and Graaff-Reinet, thence to Colesberg and across the Orange River to Philippolis, where he met Adam Kok, and to Bloemfontein. Then turning east he journeyed to Basutoland and descended the dangerous Drakensberg mountains into Natal and visited Pietermaritzburg and Durban. The return journey to the west was *via* the northern parts of the present Griqualand East and British Kaffraria. But he seems to have missed his way and taken a too-northern route instead of that nearer the coast, where there was

a fairly safe passage, a traders' route from the Colony to Natal. The result was he met with much danger and difficulty in the mountains and woody gorges of those parts. However, he arrived safely in Cape Town after nine months' struggle with geographical opposition. In the previous year, that is in 1849, when he had been scarcely a twelve month in the country, he went even farther afield by journeying to the distant isle of St. Helena, which also was in his diocese. There he confirmed and arranged other Church matters to his satisfaction.

He commenced his educational enterprises on a small scale by allotting a portion of his own residence to a boys' school. This residence, "*Protea*," known as *Bishopscourt*—the official residence of the Archbishop—is a fine old building on an estate which belonged to Van Riebeeck, the first Governor of the old Dutch East India Company. Its old name was Boschheuvel. This, together with 350 acres of beautiful land, the Bishop purchased for £3,000. The place is built as three sides of a quadrangle. One of the wings, which in the early days afforded accommodation for slaves, was now converted into the boys' school. Shortly afterwards, he tells us, he managed to buy a fine large plot of land at Rondebosch, five miles from Cape Town. On this he established the permanent school, the Diocesan School for boys, now known throughout the country as "Bishops." The boys thus vacated "*Protea*" and made way for a school of a different kind.

As has already been shown, one of the most important measures of the Governor, Sir George Grey, for civilizing the natives was the establishment of schools and industrial institutions. Acting on the principle of taming a wild animal when it is young, he conceived the idea of educating the sons of the great and powerful African chiefs preparatory to their eventually returning to their tribes as rulers. In this he had the hearty co-operation of Bishop Gray. Even Dr. Livingstone and Bishop Mackenzie in Central Africa were invited to support the movement by persuading the chiefs in those parts to send their sons to the institution.

The vacant rooms of "*Protea*" offered a convenient place in which to start the school. And the start was made by Sir George Grey taking from the Orange Free State and British Kaffraria fifty boys and placing them under the care and guidance of Bishop Gray. They were not long there, for in 1860 a fine property called Zonnebloem, on the outskirts of Cape Town, was purchased at a cost of £6,000. There were several convenient and available buildings which were easily adaptable to the new requirements. The stables formerly let to the Indian Remount Agency became the schoolroom and carpenters' and shoemakers' shops, while other buildings were easily converted into a dining hall and dormitories.

Towards the purchase money of this fine estate £4,000 were subscribed by two pious and philanthropic ladies, the Baroness Burdett-

Coutts and the Duchess of Northumberland. To maintain the place, the Colonial Government, through the intervention of Sir George Grey, contributed £1,000 per annum towards the support of the industrial teachers and also for food and clothing for the people. And S.P.G. gave £1,000 per annum for the support of the Warden, schoolmaster and lady warden. Zonnebloem was thus established and has progressed to this day. When we hear of the sons of Moshesh, Sandilli, Jan Tzatzoe and others going to Cape Town—it was to Zonnebloem they went. In a short time after the start, four of the most advanced students went to St. Augustine's College, Canterbury, to train for the Church. Thus have been fulfilled the combined desires and activities of Sir George Grey and Bishop Gray. But in 1861 a dark cloud threatened Zonnebloem. Sir George Grey was called away to resume the Governorship of New Zealand and leave unfinished much of his native work in South Africa. His enthusiasm was not greatly shared by those who succeeded him. There was almost more than talk of the stoppage of the Government grant, and at that time there was the impending difficulty of meeting the expense of the new teachers who were on their way from England. However, Zonnebloem weathered the storm and has continued to exist and increase in usefulness.

Bishop Gray talked about buying up the South African College School, as he considered it was being run on very unsatisfactory lines.

After five years of strenuous labour and travel there was borne in upon the Bishop the conviction that the superintendence of all these widely-spread matters was more than could be managed by one Bishop. There was pressing need for at least three, namely, besides one in Cape Town, one in a more central position and one in the far east. In order to bring this about as well as to raise funds for the numerous enterprises, he returned to England in January, 1853. There, from his first arrival until his return it was for him a time of rush and work, preaching to crowded congregations in almost every important town and interviewing all great people who might be able to further his projects. They included Mr. W. E. Gladstone, the Duke of Wellington, the Baroness Burdett-Coutts and many others.

Important as all this was, even more so were the negotiations in connection with the sub-division of his diocese. These were successful and resulted in the establishment of the bishoprics of Grahamstown and Natal. In virtue of the Royal Letters Patent of 1847 he had been appointed nominally Bishop of Cape Town, in reality the whole of South Africa. In order to effect his charge to a more restricted area it was necessary to cancel those Letters Patent and to issue new ones. This was done in 1853, when he became Bishop of Cape Town and Metropolitan of the whole of South Africa, and the Rev. H. Armstrong

and the Rev. J. W. Colenso became Bishops of Grahamstown and Natal respectively.

At the time of the issuing of the 1853 Letters Patent, Cape Colony had obtained its own constitution and government. Under these circumstances the Crown had not the power to appoint a Bishop in the country. During subsequent litigation in which Bishop Gray became involved, the Privy Council declared that in any Colony or representative legislature Her Majesty deprived herself of the power of giving episcopal jurisdiction or of creating or sub-dividing bishoprics. It was ruled that all such given by the Letters Patent of 1847 ceased by the surrender of 1853, "being issued after a constitution had been given to the Colony, were ineffectual to create any jurisdiction, civil or ecclesiastical, by such resignation he surrendered all territorial jurisdiction and power of proceeding judicially."

The great objects of his mission to England having been accomplished, the diocese sub-divided and sufficient funds raised to maintain the existing work for five years, he sailed from London on December 14th, 1853, and arrived in South Africa on January 20th, 1854. Then commenced what may be regarded as the second phase of his South African career, namely, that in which litigation and the struggles in the law courts formed so characteristic a feature. His attachment to the Oxford movement and the consequent opposition of the evangelical party were at the bottom of all the trouble. The first conflict in this connection was the prosecution of the Rev. R. G. Lamb. That gentleman, a strong evangelical, was assistant to the Rev. G. Hough, the senior chaplain at St. George's. Mr. Hough went on furlough to England and did not return. Mr. Lamb, therefore, officiated in his place. In 1854 Mr. Lamb also went to England on furlough. He was sent out originally by the Colonial Church and School Society, a low Church society, which claimed as its chief *raison d'etre* the maintenance at all costs of the principles of the Reformation. While he was in England he attended a general annual meeting of the Society and was called upon to speak. He did so. *Hinc illae lachrymae.* His address appeared in a Liverpool newspaper, which eventually found its way into the hands of Bishop Gray in Cape Town. Mr. Lamb spoke very approvingly of the work done by the Society, but deplored the fact that that good work was being hindered by the spread of dangerous doctrines. Evidently alluding to the Oxford Movement, he said, that innovations to such an extent had been introduced into the Church that the congregation had been compelled to leave; Tractarian practices had been obtruded upon them and thus the good work was impeded by the spread of these dangerous doctrines; such were inconsistent with pure evangelical truth; the deadly character of them embraced the corruption and abomination of Rome and this evil was insidiously working at the Cape of Good Hope.

When these statements became known to Bishop Gray he wrote to Mr. Lamb and accused him of using language which vilified the clergy of his diocese and determined to take further action against him. Mr. Lamb reached Cape Town in August, 1855. On the 8th of that month the Bishop wrote to him again and hoped he would express some apology for his sinful language. Mr. Lamb refused. He was, therefore, formally cited to appear before the Bishop and a Consistorial Court, consisting of two clergymen assessors of the Bishop's own way of thinking and two churchwardens. This met on August 22nd. Mr. Lamb does not seem to have regarded this Court with any super-respect. He prevaricated and would neither give a direct answer to any question, nor accuse anyone in particular. He maintained that he spoke in a general way and merely indicated that such things were going on and that there was a steady and stealthy progress of semi-popish influence in the Church of England. In compliance with his ordination vows and in fulfilment of them he had to be ready with all faithful diligence to banish and drive away all erroneous doctrine contrary to God's word, but he refused to be a public prosecutor. The Bishop put the definite question to him: "Is it within your knowledge that any clergyman of this diocese has held or taught anything contrary to the doctrine or discipline of this Church?" Mr. Lamb would give no answer. Thus ended the trial. Before sentencing him the Bishop gave him one more opportunity of recanting, but Mr. Lamb would not. He was then severely admonished and censured for his conduct.

This probably had little effect upon him, for besides being convinced of the justice of his cause, he gained much popularity for his attacking a movement which was so disliked by many. But a more important feature of this case came to the surface, one which was to figure prominently in much of the subsequent litigation. The lawyer who defended Mr. Lamb protested against the Bishop's action. He pointed out that neither the Letters Patent nor any enactment gave the Bishop any authority to constitute a Court or any formal tribunal in the Colony or the power to cite Mr. Lamb before him. Thus ended the Lamb case.

Quite early in his career of organisation and development Bishop Gray saw the expediency of enlisting the co-operation of the laity in the government of the Church. He considered they were, or should be, as interested in its welfare as the clergy, and might, therefore, be expected to sustain their share of the duties which belonged to them. Moreover, he felt that too much responsibility rested upon one man—himself—that in the event of his incapacity through illness or his death the removal of the master hand could only lead to chaos. Strange as it may sound, such an assembly, called the Synod, formed without the authority of the Crown or Legislature, was declared to be illegal.

It is curious that in the case of the Dutch Reformed Church, the Wesleyan and other denominations combined meetings of their clergy and laity were not illegal. Bishop Gray had mooted the question of Synods with some of his clergy in 1850. But he did not move in the matter as he hoped some Act would be passed by the Imperial Parliament which would give legal effect and validity to the proceedings of such a body. The matter came before Parliament in 1852. Mr. W. E. Gladstone introduced his Colonial Bishops' Bill, the object of which was simply to relieve members of the Church in the colonies from certain supposed legal disabilities which prevented them taking measures for the local management of their own affairs, such as other religious bodies in the colonies were in the habit of exercising. "The Bishop of Cape Town is now in this country," he said. "Of his sentiments I need not now speak, as I have this day laid upon the Table of the House a petition from him on the subject." In the end the Bill was rejected. The reasons given for the refusal were that there was no need for such a Bill, that for the Imperial Parliament to legislate at all for the colonies where Parliaments exist would be to interfere with the rights and functions of such Parliaments and, further, would give the Church a legal status and position above those of other religious bodies and thereby interfere with their political equality.

A small matter such as this did not thwart Bishop Gray. He was determined to have his Synods. As soon as he returned to the Colony he commenced the steps for carrying out the measure. Looking back to that period it seems very strange that so commonsense a procedure as that of asking clergy and laity to meet together to discuss the questions in which they must be interested should have met with the virulent and widespread opposition which was so characteristic a feature in the establishment of Church Synods. Regarding all the circumstances, one cannot but ask whether all the angry opposition was due to fear of some evil or untoward consequences of the introduction of Synods or whether it was only an expression of personal dislike against Bishop Gray.

There was a Mr. Advocate Surtees who developed a violent dislike for the Bishop and gave vent to this dislike in some offensive letters which he wrote to the press. Mr. Surtees was a prominent lawyer, whose words bore weight with the general public. He was Government adviser and arbitrator in the mixed British and Portuguese Commission in virtue of a treaty between the two countries for the suppression of the slave trade. The burden of his correspondence in connection with the Bishop was that Synods composed of clergy and laity were illegal and that it was his duty to maintain the Queen's supremacy in all things civil and ecclesiastical. He pointed out that the laity rendered themselves liable to certain penalties in having anything to do with them. He resented certain irritating and con-

temptuous language which he alleged the Bishop had used towards himself and other members of the Church of England, whose views differed from his own. "Driven," he said, "from the fair field of Law and sober argument and exposed in his designs against the best interests of the Church, the Lord Bishop of Cape Town has at last put himself into a passion. I may leave him there to get rid of it as best he can. Were it not that the cause of truth has been thereby elicited to some degree, I should regret at having been drawn by his printed circular into a correspondence with one so unscrupulous." Mr. Surtees was called upon to withdraw his imputations against the Bishop, but he refused. The matter, however, having been brought before Sir George Grey, who threatened to report him to the Secretary of State, something in the way of an apology was obtained.

It is curious that at this time the Oxford Movement and Tractarianism seem to have been forgotten, or at least to have dropped into the background and the opposition to Synods and to the Bishop personally to have taken their places. The general feeling in this direction is indicated by a petition and protest to the Secretary of State, which was engineered by another legal luminary, Mr. Barry, one of the responsible advisers of the Crown. "A large and influential body of English churchmen of this city (Cape Town) and its vicinity," said the petition, "have felt it to be their duty to make a protest against the Synodical meetings now being held by the Lord Bishop of this diocese. It is signed by members of the Executive and Legislative Councils, the Assembly, two members of the established Church, magistrates, heads of departments, merchants and others. They are against Synods constituted without sanction of the Crown." The petitioners hoped that the Secretary of State would refuse to sanction the present proceedings of the Bishop. On June 9th, 1857, Mr. Labouchere, the Secretary of State, wrote to Sir George Grey and said he could not advise Her Majesty to take any steps in connection with the petition against Synods as it was not a matter in which she could exercise her prerogative by interfering with the conduct of the ecclesiastical authorities.

There was trouble in Port Elizabeth. The Rev. Mr. McCleland, who had been the rector of St. Mary's since 1825, died in 1853. His place was taken temporarily by Archdeacon Merriman, afterwards Bishop of Grahamstown. Mr. Merriman had been brought out by Bishop Gray and, naturally, was in accordance with his views. The congregation looked with suspicion upon what they regarded as "Merriman innovations." He was soon relieved by the Rev. Mr. Fowle. All were concerned to discover whether he was "Puseyite" or evangelical. They refused, they said, to be imposed upon by presuming "priestcraft" and "monkish conceit," "No-popery in disguise." Mr. Fowle was "Puseyite" and continued the "Merriman

innovations." The congregation therefore held a meeting and, following the example of a church in Liverpool, where the whole congregation left because a "Puseyite" was put to preach to them, seceded and formed their own Church.

But the name most notoriously associated with the opposition to Synods was that of the Rev. W. Long of St. Peter's Church, Mowbray. For purposes of work in the distant colonies the Archbishops of Canterbury, York and the Bishop of London were empowered to ordain men for this special work. Hence in 1844 W. Long was ordained deacon for service in South Africa and was placed in Graaff-Reinet. This was four years before the arrival of Bishop Gray. For health reasons Mr. Long was anxious to get out of the heat of Graaff-Reinet and, therefore, after the appointment of Bishop Gray, made application for a removal. He was ordained priest in Grahamstown when the Bishop was making that long visitation to the Eastern Province and when, what is important, Mr. Long subscribed to the usual oath of canonised obedience to his Bishop. An opportunity of change offered. St. Peter's Church was built and endowed by a wealthy Church of England clergyman, the Rev. J. W. Van Rees Hoets. Mr. Hoets himself was the first incumbent, but, wishing to retire from the Colony, he handed the church over to Bishop Gray, who consecrated and accepted it. Mr. Hoets' condition was that he should have the right to nominate the first two incumbents. He left £100 per annum towards the stipend of his nominee. Not entirely without misgiving, the Bishop offered St. Peter's to Mr. Long. There had already been correspondence which showed that the Bishop did not place unalloyed confidence in him and perhaps had a premonition of the trouble which Mr. Long was yet to cause. Writing to him from England in 1852, he said: "I could not appoint you without some guarantee from you that you would conform to the laws and regulations of your Church," and in 1853, in connection with the Mowbray appointment: "All that I can at present say is that I shall endeavour (to do as you ask), always presuming that you have returned to a sense of the duty which you owe to the Church and to obedience to its laws"; and later in 1853: "You will come I trust fully prepared to abide by the Church's plain instructions and pay all lawful obedience to those who are over you. If not ready to do this fully and heartily and without violating 'conscious scruples,' I think you had better not come at all." In the end Mr. Long became the incumbent of St. Peter's, Mowbray.

Very shortly after his return from England in January, 1854, the Bishop, among his numerous activities in connection with his Church, was moving in the great object he had set before himself, namely, that of setting on foot his project for the better government and control of his ever-widening Church by the formation of Synods of combined

clergy and laity. In November, 1856, he issued a pastoral letter to all the clergy of his diocese with a notice that a Synod would be held in January, 1857, that their congregations were to be made acquainted with this and that they were to choose a delegate to attend the meeting. Then the real trouble commenced. Five parishes or congregations, on the ground that they were called upon to take part in an illegal assembly, refused to give the notice or to send delegates. This was not altogether the action of the undivided clergy, but the members of the different congregations, who held meetings and passed resolutions determining to have nothing to do with Synods, which, they said, were without the authority of the Crown and Legislature, and a violation of the Statute law. Moreover the laws enacted by such a body could not be binding on any members of the Church who did not wish to be bound by them.

Notwithstanding the opposition, the first Synod met in the cathedral on January 21st, 1857. About forty were present. Immediately after the opening prayer, Mr. Attorney Fairbridge asked leave to present an address. It was a protest against Synods, signed by clergy and laity. The Bishop appealed to the House to learn whether it was its pleasure that it should be received. When it was put to the vote all voted in favour of its rejection except Messrs. Long, Lamb and Philipson. The Bishop then gave a long historical account of Synods, showing the necessity of them in a country like the Colony, where there were no ecclesiastical laws and nobody competent to formulate them, and having emphasized the value of the advice and guidance of the laity, he proceeded to the consideration of the laws and regulations for the new constitution. But at this stage Mr. Lamb rose and asked to be allowed to retire. His object was to be absent when these were drafted and thus escape from the imputation of having had anything to do with them. The Bishop told him peremptorily to sit down. At the conclusion of the meeting the malcontents lodged their protests. Thus ended the first Synod. The Bishop on this occasion took no action against any of them for their opposition and disobedience. But this was not always to be so. After a lapse of three years the time arrived for the holding of another Synod. Again was issued the pastoral letter with an order to all the clergy to give notice of the Synod and to elect a lay delegate to represent the congregation. And again opposition to such a meeting was aroused. Mr. Long received his notice on October 1st, 1860. The assembly was to take place on January 17th, 1861. On November 29th he wrote to the Bishop saying that he could not conscientiously attend such a meeting. "I cannot consent to receive the laws of a body which I know to be without sanction from the custom of the Church in the mother country, and which has authority neither from the Crown nor from the Legislature of this country. . . . Against this body as an

unlawful assembly I protested and signed a general protest against it, copies of which have been sent to the Archbishop of Canterbury and Her Majesty's Secretary of State for the Colonies and a petition to the Queen. I cannot admit the Bishop's power to call me formally or to summon such an assembly of a mixed body of clergy and laity. I cannot recognise a body which has declared its secession from the Church of England in demanding from churchmen that they are members of the Church of the diocese of Cape Town in union and full communion with the United Church of England and Ireland, and belong to no other religious body. I do not belong to any religious body in communion with the United Church of England and Ireland in the diocese of Cape Town, but to the Church of England itself." The Bishop answered this on December 1st. He reiterated his orders to Mr. Long and expressed his deep displeasure at being accused of seceding from the Church. In no measure abashed, Mr. Long replied that as long as the supremacy of the Crown was a constitutional principle of the Church he could not attend a meeting called a Synod. There were, he said, Synods in other dominions, but they had the sanction of the Crown; in this country it was not so.

Evidently anxious to induce Mr. Long to see things in a proper light and to convince him of his error, the Bishop, on December 6th, wrote to him a kind and courteous letter inviting him to a private interview, and at the same time offering to accept an apology for his accusation of secession. Mr. Long refused to meet him in private, but only publicly and then in the presence of legal assistance.

Although Mr. Long figured so prominently in all this he was by no means the only one concerned. The Rev. Mr. Fry, the incumbent of St. Paul's, Rondebosch; Mr. Blair of St. John's, Wynberg; and of course Mr. Lamb of Trinity Church, Harrington Street, together with their congregations, were for the most part violently opposed to Synods. Meetings were held to discuss the position and resolutions of refusal to send delegates were passed. At Rondebosch it was moved that no delegates be elected, but an amendment to the effect that it should was supported by Sir Thomas Maclear, the Astronomer Royal. Put to the vote 7 were for the amendment and 28 against it. Hence the original motion was carried and no election was made. At Simonstown, Wynberg, Paarl and far-away Swellendam there were similar results. Had Mr. Long been actuated by the highest and most honourable motives he could, as he well knew, have appealed to the Archbishop of Canterbury. Instead of adopting so peaceable a course, however, he chose to enlist the sympathy of the public and the Press. He published letters from the Bishop, which were of a semi-private character and without permission. At length, Mr. Long having refused to meet the Bishop on a friendly footing and having taken up such a hostile and rebellious attitude, there was no alternative left to the

Bishop but to cite him formally before the court he constituted, consisting of himself and five assessors, prominent clergymen of his own choosing. Mr. Long was therefore summoned to appear in the vestry of the cathedral on February 4th, 1861. On that day, with two barristers, he attended to make his defence. The two legal gentlemen refused either directly or indirectly to acknowledge the competency of the court to proceed to any sentence for any alleged offence as set forth in the notice, and on Mr. Long's behalf they handed in a written protest against the action of the Bishop, pointing out that no decision of his would in any degree be binding on Mr. Long as no legal authority was vested in him. In spite of this, however, after considerable discussion on the part of the Dean and other assessors, the Bishop pronounced a sentence of suspension from his cure of souls and the exercise of all his ministerial functions for a period of three months. But as he had a wife and family he was to be allowed to draw his usual stipend during that time. Consistent with his conduct throughout and undoubtedly influenced by his legal friends, Mr. Long treated the Bishop's sentence with contempt and continued his duties at St. Peter's. At the end of a month, namely, on March 6th, this flagrant disobedience and defiance compelled the Bishop to cite him again before his court and to take further ecclesiastical action against him. In answer to the summons Mr. Long wrote to the Bishop refusing to attend. "I cannot by appearing to-morrow recognise your Lordship's legal and moral right to be judge in a matter between us." He asked the Bishop to reconsider this further attempt to coerce him to adopt opinions which he did not hold. "My offence," he said, "has been the refusal to sacrifice my conscientious views of the unlawfulness of Synods called without the authority of the Legislature. No good would accrue in going over again the ground which has so painfully been trodden." He considered that on the former occasion he had been overwhelmed by the insults he had received from the five assessors, who had used harsh language towards him. "My obedience to your demand that I should again appear before you can only result in a repetition of the treatment to which I was before exposed. I cannot attend." The Bishop, anxious to save Mr. Long from the chasm towards which he was hastening and hoping yet to convince him of his error, used every endeavour to persuade him to listen to and to act upon wise and brotherly advice. "But," said he, "if you do not appear on Wednesday next and submit yourself to my judgment, you will cut yourself off from the Church." Mr. Long did *not* attend.

Without going into the details of the discussion which took place at the meeting, it may be said that the result was that the Bishop revoked his licence to Mr. Long and entirely deprived him of his incumbency and his stipend. A Mr. Hughes was put in his place. Thus deprived of his daily bread, Mr. Long appealed to the Supreme Court. The next day, March 7th, Mr. Watermeyer, counsel for Mr.

Long, applied on his and the churchwarden's behalf for a rule *nisi* against the Bishop and Mr. Hughes, calling on them to show cause why they should not be restrained from hindering Mr. Long in the performance of his lawful duties and depriving him of his emoluments as the incumbent of St. Peter's. After argument, the Chief Justice said: "We are all of opinion that a *prima facie* case has been made out on the part of Mr. Long, and justify the Court in granting the rule *nisi* you wish for. It will call on the Bishop and Mr. Hughes to show cause why an interdict should not be issued; the rule will put a stop to all further proceedings until the investigation of the whole matter by the Court has taken place, the rule *nisi* to act as an interdict until then." So Mr. Long remained at St. Peter's.

The case before the Supreme Court commenced on August 17th, 1861, and was heard by Mr. Chief Justice Hodges and the puisne judges Messrs. Watermeyer and Bell. Mr. F. S. Watermeyer, the brother of the judge, appeared for the plaintiff, Mr. Long, while the Bishop conducted his own case without legal assistance. There were a Lutheran and a Jew who were anxious to have the management of the case on behalf of the Bishop, but imagine a Jew defending a Christian Bishop! According to the Bishop the Court, denominationally, was mixed, the Chief Justice being an Irvingite, the senior puisne judge a Glassite, and the second judge a Presbyterian.

Mr. Watermeyer opened his case by reading a considerable amount of documentary evidence and then proceeded to examine the witnesses, who were the Dean of Cape Town (Canon Ogilvie), E. A. Judge and the Rev. Mr. Fry and the Rev. Mr. Currie. The essential of the evidence was that they had received licences from the Bishop to carry on their ministerial duties and that there were the words "reserving to ourselves full power to revoke these presents," thus supporting the Bishop in revoking Mr. Long's licence. Canon Judge was glad to serve under a black bishop rather than a red one, meaning, of course, under a black-coated bishop rather than, as a military chaplain, under the scarlet coat of a commander in chief. The Irvingite Chief Justice was very sympathetic towards the Bishop. He made remarks which, before the Bishop had made his speech, almost amounted to a summing up of the case. He, the Judge, considered the whole matter was greatly to be deplored; it was, he said, entirely due to a misconception on the part of Mr. Long, who ought to express his regret for the course he had adopted; he was anxious that the parties should come to an amicable settlement. The Bishop, in reply, said nothing could give him greater joy than to see a brother clergyman brought back to a sense of his duty to the Church; any expression of regret for his action and a recognition of the Bishop's authority and jurisdiction would lead to the past being overlooked and the errant priest received back again as a brother.

The Bishop, in his own defence and without legal assistance, then addressed the Court. He made a speech of great length; it took nearly two days in the delivery; it showed great ability and untiring industry in its preparation, and withal considerable legal knowledge. Its theme was more on the liberty of the Church to manage its own affairs rather than the personal case of Mr. Long. The question at stake was whether, not only the Church, but all denominations were, in spiritual matters to be ruled by a secular court. In such cases matters of Christian dogma and discipline might have to be dealt with by Jews, heathens or other non-Christians who might be raised to the Bench. It was necessary in this particular Church that those who decided the question should have a knowledge of ecclesiastical law and the customs of the English Church. With due respect he submitted that the present Court had no jurisdiction in the case—it was one for a spiritual court. Quoting Blackstone, he showed that colonials carry with them to their adopted country as much of English law as is applicable to their situation and circumstances. In matters spiritual the Bishop in his own diocese is the judge in such matters. It was so in Cape Colony in virtue of the laws of the Church, the Letters Patent and by contract and engagement; he claimed the same right to censure, suspend and revoke which a Bishop in England had over his clergy. With reference to Synods, he showed that they were properly constituted bodies for making the laws of the Church, their acts were the acts of the Church. Dealing with the case of Mr. Long, he did so in a very fair manner on public grounds and, considering the mental pain which he had suffered, free from personal animus against him. It was really a secondary matter. He, Mr. Long, had not been unjustly treated; he had subscribed to the oath of canonical obedience by his own voluntary act and subjected himself to the law. Whatever the decision of the Court might be, the licence would still be withdrawn. This long and able speech certainly made a deep impression on at least two of the three judges.

Mr. Advocate Watermeyer's address to the Court on behalf of Mr. Long was, in comparison, somewhat feeble. It was that of a barrister who felt he had a bad case to deal with, yet had to do all he could on behalf of his client. Mr. Justice Hodges frequently interrupted him in some of his statements. They were simply to the effect that the laws of the Church were not what the Bishop thought them to be, that the clergy of the diocese had been trampled upon and tyrranised over by the Bishop, and that the whole thing was a scuffle between the High Church and the Low Church. Judgments were reserved. These were delivered in February, 1862. They were long, so that only the merest outline of the salient points can be given. The Chief Justice gave a detailed history of the case and a lengthy opinion of the legal status and condition of the English Episcopal

Church in South Africa. "I cannot for a moment doubt," he said, "that a Bishop of the Christian Church has the power to suspend or deprive a presbyter." With reference to the Synod: "I am clearly of opinion that there was nothing illegal in the procedure which the Bishop wished to initiate with respect to the assembly of a diocesan synod. I am not aware of the existence of any law in force in this Colony which prohibits such an assembly here; it was competent for the Bishop to summon his clergy and laity to assemble to take common counsel together on the affairs of the Church. But the Letters Patent did not authorise the establishment by the Synod in this Colony of any ecclesiastical Court with a coercive jurisdiction. As to Mr. Long, he had been dealt with quite regularly; he had received formal notice of the complaints against him, had been afforded the opportunity of making his defence with the aid of counsel and time was given to him to prepare his answers. Verdict will be for defendant in Convention and for plaintiff in Reconvention." *Mr. Justice Watermeyer* gave a valuable decision which again was more concerned with the wider question of the relation of the Church to the Colony rather than to the personal concerns of Mr. Long. It was obvious that his sympathies were with the Bishop. "In strict language," he said, "there is no Church of England in this Colony. The Church of England is an established territorial church, inseparably connected with the constitution of England by the common law and by Acts of Parliament, possessed of great privileges from this connection, subject to some disabilities in consequence of it. Members of that Church migrating to this Colony leave the dominant established Church behind them; members of other religious communities in England come to a country where there is no privileged ecclesiastical organisation, where all religious bodies are, in the eye of the law, on a perfect equality. There was an established Church here once protected and fettered by the civil authority. For a long time in the history of the Colony the Dutch Reformed Church could be considered as an established Church." The learned judge discussed at some length the origin and rise of episcopal jurisdiction and the power and authority of the Crown in connection herewith." "The Queen, the head of the Church," he said, "cannot establish any ecclesiastical court or give any ecclesiastical jurisdiction by Letters Patent. In England where episcopacy is the law, the Bishops have jurisdiction by the law of the land, which includes the law of the Church. The instruments of 1847 and 1853 by themselves gave no ecclesiastical jurisdiction. The Queen's ecclesiastical law forms no part of the laws of this country. All this renders the position and status of the Bishop of Cape Town different from that of a Bishop of the Established Church of England; he has not their secular privileges of ecclesiastical jurisdiction. "I consider," he said, "the Bishop of Cape Town is not in the same position as a Bishop in England, but only a Bishop over those who are

willing to acknowledge him." Turning then to the more immediate case of Mr. Long, the Judge ruled that the Bishop had ecclesiastical jurisdiction over him, and was justified in the deposition and deprivation. The instruction of the Bishop to Mr. Long to give notice of the approaching Synod was not an order to do something illegal; there is no law in this Colony against the assembly of any religious association of any denomination for the purpose of regulating the internal affairs of that association. Neither by common law nor statute law is supremacy infringed by the holding of such a Synod. The Churches are free within themselves to frame their own constitution. I do not find that the introduction of the lay element into a diocesan Synod is at variance with the nature of a synod."

Bell's Judgment.—Mr. Justice Bell's opinion differed widely from those of his brother judges. It was markedly against the Bishops and in favour of Mr. Long, for whom he gave judgment. Again the whole lengthy history of the case was gone into, together with much discussion on the legal aspects of the matters as they arose. The learned Judge was of opinion that had there been more forbearance and good feeling the original matter of dispute might have been adjusted without the scandal of an appeal to a court of law by one clergyman against another. He thought the charges made against Mr. Long were exaggerated and doubted whether he had been lawfully suspended and deprived of his income. The question was one for the civil court and not, as the Bishop maintained, for an ecclesiastical court under himself as judge. He was mistaken in thinking that the Letters Patent of '47 and '53 gave him the jurisdiction he claimed. "In fact," said the Judge, "it might be worthy of the consideration of the Bishop and those who had acted with him whether they have not been guilty of an indictable offence in thus arrogating to themselves the power, proper to Parliament alone." The Church of England, though known historically and popularly, is unknown to the Law; the Law does not recognise the existence of such a church any more than it does any other—no church exists by force of law.[1] With regard to the charge of the disobedience of Mr. Long in refusing to attend the Synod, Mr. Justice Bell said: "In my opinion it was contrary to law and to the just rights of the plaintiff for the defendant to have required the plaintiff to take part in the proceeding of the two Synods, or to consider himself bound by their decisions, and that the plaintiff was not bound, as the defendant prays it may be declared to give the notice required of him, and that his refusal to give the notice was not a breach of discipline." . . . "The question is, was it legal for the defendant to attempt this (viz. to compel Long to attend the Synod). It seems to me that a Synod consisting of the laity as well

[1] Emigrants to this country from England bring English law with them, but they do not bring the English Church. Bishops here cannot demand obedience in virtue of having been consecrated in England.

as the clergy is not a body known in the Church of England. It was not illegal to hold a Synod composed of the laity as well as the clergy, but it was not legal; it was not a Synod recognised either by the law or by the practice of the Church of England and, therefore, the notice of a meeting for the election of delegates to such a Synod was not such a notice as the defendant was justified in calling upon the plaintiff to give, telling him at the same time that he would not discuss its legality with him."

With regard to Bishop Gray's alleged secession from the Church of England, Mr. Justice Bell quoted from the constitution and Canons of the first, the 1857, Synod. In the form of declaration for Church membership, aspirants for the privilege had to use the words "I do declare that I am a member of the Church Diocese of the Cape, in union and full communion with the United Church of England and Ireland and that *I belong to no other religious body*." Here, said the Judge, the Church is not *in* but *of* the diocese (of the Cape) and is not any integral portion of the Church of England, but a distinct Church in union and full communion with it, unless it can be said of the diocese of London that the Church in that diocese is the Church of that diocese.

The final result of this lengthy case, as far as the Supreme Court was concerned, was that two of the Judges gave opinions in favour of the Bishop and one for Mr. Long, so that, in short, Mr. Long lost the case. But he was not prepared to allow it to end there. His next step, therefore, was an appeal to the Privy Council. The judgment of that learned body was delivered on June 24th, 1863. After acknowledging that many questions of great novelty and importance had been discussed with great ability, they traversed the history of the whole case. They ruled that there were no ecclesiastical courts as distinct from the civil. None were expressly established by the Letters Patent and no power was given to the Bishops to establish one. The Bishop by his license obtained no right to suspend or deprive Mr. Long; all jurisdiction given by the '47 Letters Patent ceased by the surrender of '53, and the 1853 Letters, being used after a Constitution had been given to the Colony, were ineffectual to create any jurisdiction either civil or ecclesiastical; by such resignation he surrendered all territorial jurisdiction and power to proceed judicially. Mr. Long has not precluded himself from exercising his power of resorting to a civil court for restitution of his civil rights. Hence they came to the conclusion that the sentence complained of cannot be supported and therefore we must humbly advise Her Majesty to reverse it and declare that Mr. Long had not been lawfully removed, but remains minister of such church. It was questioned whether the Bishop had acted with strict impartiality, proper proceeding and attention to the rules of substantive justice; he was both prosecutor

and judge and deeply interested in the question. He should have procured the advice and assistance of assessors; men of legal knowledge and habits, unconnected with the matter in dispute, instead of that he selected clergymen sharing his own opinions on the subject of the controversy and all members of the Synod.(1)

Thus ended the Long case. But it was only the beginning of much litigation in connection with Bishop Gray which had yet to go before the Privy Council. Barely was this case finished when the Bishop found himself in still more serious conflict with Bishop Colenso of Natal.

It will be remembered that Bishop Gray succeeded in getting his huge diocese divided into three parts. For the new bishoprics, Rev. H. Armstrong was appointed to Grahamstown and J. W. Colenso to Natal, by Letters Patent of November 8th, 1853. Bishop Colenso, who from his earliest years had been of a religious turn of mind and had had a hankering for the mission field, at last obtained what had been the chief desire of his life. This wish could not have been better fulfilled than by being placed among the Zulus. From the beginning he threw himself, if possible, more than wholeheartedly into all which conduced to their civilisation and conversion to Christianity. Having made himself a master of their language, he wrote a Zulu grammar and dictionary, a translation of the Bible into idiomatic Zulu, and also wrote a number of other books for the use of students and missionaries.

Further, he made himself intimately acquainted with the customs, manners and modes of thoughts of the Zulus. He arrived in South Africa with Bishop Gray in 1853. During the first few years these two Bishops worked together cordially and in harmony, but soon there appeared a rift within the lute; this widened until, in the end, there was the bitterest warfare between them.

A word about the extraordinary career of Bishop Colenso himself may not be out of place. He was born on January 24th, 1814. His

(1) On April 13th, 1864, Bishop Gray wrote to the Governor (Sir Philip Wodehouse, who had succeeded Sir George Grey) asking him to convey his thanks to the Duke of Newcastle for the care he had taken in ascertaining and making clear the true position of the Church in this country as defined by the somewhat vague judgment of the Judicial Committee of the Privy Council. "It is satisfactory to find that the law officers of the Crown have advised His Grace that the judgment in question, pronounced that it is lawful for a Colonial Bishop or Metropolitan, without the consent of the Crown and without any express legislative authority to summon meetings of the clergy and laity under the designation of provincial or diocesan Synod, or any other designation for the purpose of deliberating in matters concerning the welfare of the Church and that the rules passed by such an assembly are binding on all those who expressly or by implication have assented to those rules. That is all that the Church in this country has ever claimed for itself or its Synod, and with this liberty allowed to it it will rest satisfied. As to the Synod itself His Grace instructs Your Excellency to treat it as being what it virtually is, the representative of the Anglican Church, so long as its action is confined within the abovenamed limits, but he shrinks from that recognition until it is cleared from the imputation of illegality which at present attaches to it."

father was a kind of mineral agent on the estates of the Duchy of Cornwall, not a very lucrative position. In his somewhat straitened circumstances the boy could not have the advantages of an education at a famous public school, and an easy and dignified career at Oxford or Cambridge, though after much struggle with poverty and with determination and industry he eventually went to Cambridge and became one of the most distinguished men there. His dream in his early life had been to get to that renowned University, but it was a dream which at that time seemed never likely to materialize. Albeit, he strove long to gain that end. He argued that if some relative would supply only the modest sum of twenty pounds per annum, he might perchance get a sizarship at St. John's College, then supplementing this by doing some elementary teaching, he hoped to be enabled to win a Cambridge career. He did get a sizarship. A sizar of a College, it should be said, was a poor student who earned his keep by waiting upon the more fortunate ones, cleaning their boots and performing all sorts of menial functions. They fed on the broken meats left on the tables after the others had dined. He also obtained a small assistance from a relative ; but his struggle to make both ends meet caused him at times to feel that after all he would have to give up the idea of remaining at Cambridge. He must at this time have acquired some classical education, for he translated and prepared for publication translations of " Horace and Plato's Apology." But mathematics, for which he had a natural gift, was his chief study. After the usual three years of untiring industry and rigorous self-denial of all comfort and pleasure—perhaps nothing new to one who from childhood had been inured to that condition of life—he was rewarded by getting his degree in 1836, as second wrangler and second Smith's Prizeman. Shortly after, this brilliant success gained for him a fellowship of the College—a distinguished career, from sizar to fellow ! Sweet are the uses of adversity.

He left Cambridge and became mathematical master at Harrow. It was while he was there that he wrote the book which made him famous throughout the educational world, but for which he did *not* receive the whole-hearted gratitude of the average British schoolboy, namely, " Colenso's Arithmetic." This was the standard school book on the subject. Its sale was enormous. His publisher (Messrs. Longmans) paid him £2,400 for it. His career at Harrow was not a success, financially at all events. He was a housemaster on his own responsibility and seemed for a time to be doing well, but a fire gutted his house and the school being in a depressed state, he left and returned to Cambridge and became the tutor of St. John's. He married in 1839, but as fellows in those days were not allowed to marry, he left St. John's and became a Vicar of Forncell in Norfolk. While there he was offered the new bishopric of Natal, which he accepted.

Bishop Colenso was largely Bishop Gray's own choice for Natal, and came with him to the Colony in 1853. In the earlier years there was all that co-operation and brotherly sentiment which was to be expected between such men in their high positions. But it was not to last very long. Bishop Colenso was a man of great independence of thought, " a very wilful and headstrong man," as Bishop Gray described him. Soon his views on theological matters clashed with those of his Metropolitan and then began a strife in which practically all the Church of England Bishops became involved. The trouble really began by a misunderstanding between the two on the subject of polygamy among the Zulus. Bishop Gray, knowing very little or nothing of their language and modes of thought, condemned polygamy unconditionally. Bishop Colenso, on the other hand, who, it will be remembered, had become conversant with both, was, in principle, opposed to a man having a plurality of wives, but he felt that to move precipitately and drastically in the matter would do much harm. He saw the injustice and cruelty which must arise by compelling a man who had become converted to Christianity to put aside all his wives but one. Many of the women who for years had been faithful and dutiful to their husbands and had earned a right to their protection, were, with their children, to be cast adrift. Bishop Colenso said: " No, let them remain, but in the case of unmarried men who become converts, forbid them to take more than one wife. In this way Christianity will kill polygamy."

This, however, was a small matter compared with the revulsion of feeling created in very many minds by the opinions and statements which were expressed in certain books which Bishop Colenso wrote; statements in which he attacked not only the foundations of Church doctrine, but of Christianity itself. One was a commentary on St. Paul's epistle to the Romans.[1] It was thought to have contravened the Articles and Formularies and to be in conflict with all the doctrines taught in the Church Prayer Book. The second was a voluminous work on the Pentateuch, in which he endeavoured to show that the five books of Moses were entirely untrustworthy and of little value from a historical point of view; that only a very small portion of it could have been composed by Moses, who, supposing that such a personage ever existed, was a purely legendary character and as shadowy and unhistorical as Aeneas or King Arthur. Joshua also seemed to Colenso to have been an entirely mythical character. The Bible, the Bishop maintained, could no longer be regarded as infallibly true in matters of common history; the writers of these books, whatever pious intentions they may have had in composing them, could not now be regarded as having been under constant infallible supernatural guidance as the ordinary doctrine of scriptural inspiration supposes.

[1] St Paul's Epistle to the Romans, newly translated and explained from a missionary point of view. J. W. Colenso, D.D. Ekukankeni, 1861.

" For myself, I see not how I can retain my episcopal office in the discharge of which I must require from others a solemn declaration that they unfeignedly believe all the canonical scriptures of the Old and New Testaments, which with the evidence now before me, it is wholly impossible to believe in." Colenso, in short, maintained that the Bible was not itself God's work, but assuredly God's Word would be heard in the Bible by all who would humbly and devotedly listen to it. Within a week of the publication of Part I of Colenso's Pentateuch ten thousand copies were sold. Part II was published very shortly after—in 1863. In this part he accused all Bishops and clergy of hypocrisy, saying that they were required in the exercise of their ministerial functions to hush up the facts and maintain in place of them transparent fictions. " We must not blindly shut our eyes to the real history of the composition of this book, to the legendary character of its earlier portions, to the manifest contradictions and impossibilities which rise up at once in every part of the story of the Exodus ; we must regard it as the work of men, of fellow men like ourselves. The result of my examination is that whatever may be its value and meaning it cannot be regarded as historically true ; it is not a doubtful matter of speculation, it is simply a question of facts."

In connection with the Epistle to the Romans, Bishop Gray suffered great distress of mind. He felt bound to take some action against his co-prelate, as the book was so in conflict with the teaching of the Prayer Book, but did not see what course was open to him. He had endeavoured to persuade Bishop Colenso to withdraw it, but without success. Hence, in November, 1861, he brought the matter before the Archbishop of Canterbury and sought his advice. This was so far successful that a meeting of Bishops was held in May, 1862. It is not clear what happened. In any case it was merely a prelude to still greater work which was in store for those Bishops. Very shortly, within a few weeks of each other, both Bishops were on their way to England, Bishop Gray to act in connection with the appointment of a Bishop for the Orange Free State and Bishop Colenso to see about the publication of his Pentateuch. It was on this voyage that Bishop Gray heard, for the first time, from a passenger from Natal of the threatened publication of this book. It should be stated in passing that Colenso was not the only one who at this time was critically examining the Pentateuch. Some of the best brains in Germany were engaged in higher Biblical criticism, especially a Prof. Kuenen. When Colenso arrived he found that Archbishop Longley (then of York) and the Bishop of Oxford and Lincoln were anxious to meet him and to discuss his writings with him, but he declined, as no good could come of it as his views were the result of years of thought ; and in the end he wrote no less than seven volumes on the subject.

In England he soon found himself in a hornet's nest. Addresses from both clergy and laity poured into the Bishops complaining of his writings. Also the S.P.G. appealed formally to the Archbishop against him, as he was one of the vice-presidents of the Society and was drawing large sums of money in connection with his mission. The outcry soon compelled something to be done. A large meeting of Bishops was therefore called to consider the situation. It was held on February 4th, 1863. There were present the three Archbishops of Canterbury, York and Armagh, together with twenty-six others. At the time of this meeting Part I of the Pentateuch had been published in the previous October. We are told that within one week ten thousand copies were sold. Hence the subject must have become of general interest. The Archbishop opened the discussion on the general question of the Colenso publications, which, he considered, were of such a nature as could not be permitted to pass without serious notice. He therefore sought the opinions of his brethren as to the steps which ought to be taken in this crisis of Church history, when an English Bishop, above all men, was undermining the authority of the Bible. He intimated that under the circumstance of Bishop Colenso holding a diocese outside England, he was powerless to take any proceedings in the matter other than that of an expression of disapproval. It was, he thought, the business of the Bishop of Cape Town to move in the prosecution. Bishop Gray, in reply, said that he had had legal advice to the effect that he could act, suspend or deprive Bishop Colenso, but he could not do so until his authority in Cape Town had been legally increased. The question of his jurisdiction was then under the consideration of the Privy Council in connection with the Long case. But whatever purely legal action was to be taken, it was felt that there was nothing to prevent any Bishop from inhibiting Bishop Colenso from preaching or performing an official ministration in any of their dioceses. The Bishops of Salisbury, Exeter, Chichester, Winchester and Durham were emphatically of this opinion. The Bishop of London could not agree to inhibit on account of the great size and complexity of his diocese. But apart from this he took up a distinctly hostile attitude towards Bishop Gray. The Bishop of St. David's (Thirlwall) also opposed inhibition. The time for such a measure, he said, had not arrived; it would be both superfluous and mischievous to attempt it. The Bishop of Oxford moved a formal resolution "That we agree, after common counsel under a great scandal, to inhibit Bishop Colenso from officiating in any of our dioceses." This, on being put to the vote, was carried by twenty-five to four. Those against were the Archbishop of York and the Bishops of London, St. David's and Manchester. The meeting was adjourned until February 7th. Then a discussion arose on the books themselves. Some of the Bishops seem not to have taken the trouble to read them. The Bishop of

London said he had not done so and did not intend to; he had no time to read any but good books. Then, in a not very kindly spirit, he asked what business Bishop Gray had to bring the matter before all the Bishops. Why did he not act for himself and take proceedings against Bishop Colenso in South Africa. He considered that that Prelate had been unfairly dealt with. The Bishop of Oxford took up the cudgels for Bishop Gray and protested against the Bishop of London's remarks. He pointed out that the offending book had been published in the Bishop of London's own diocese and not in that of Bishop Gray's. In the end the Bishop of London withdrew his harsh remarks. The final result of the conclave was that a letter was drawn up and sent to Bishop Colenso asking him to resign his Natal diocese.(1) It was signed by all the forty-two Bishops present except Thirlwall of St. David's. "You say in Part II of your Pentateuch," it said, "you do not now believe that which you voluntarily professed to believe as an indispensable condition of your being entrusted with your present office; you still say you cannot use the Ordination Service as you must require from others a solemn declaration that they unfeignedly believe all the Canonical Scriptures of the Old and New Testaments, which, with the evidence now before you, it is impossible to believe. . . . We now solemnly ask you to consider whether you can retain your position when you can no longer discharge your duties or use the formularies to which you have subscribed."

Well, in answer to this Bishop Colenso was of opinion that he *could* still retain his Natal position—and did so. He took little notice of this episcopal censure. He could not be deterred from the course he had chosen by any high authoritative denunciation by men whom he considered had not sufficiently studied these matters. Writing to Theo. Shepstone in December, 1862, he said: "I am still Bishop of Natal and, as far as I can see, am likely to remain so." He remained in England for some time in order to prosecute his work on the Pentateuch. On the one hand he found himself avoided and shunned by very many church people, but on the other he was more than welcome in scientific and literary societies. At the meeting of the British Association for the Advancement of Science held at Bath, he was one of the most conspicuous and much-sought-after figures. He became an intimate friend of Sir Charles Lyell, the great geologist. Wherever he went he became the hero of the hour; he was admitted to the exclusive Athenæum Club by nine votes to three; he was accorded a great ovation at Harrow when he appeared there on Speech

(1) Colenso's answer to the Archbishop, according to *Punch*:

My dear Archbishop to resign
That diocese of mine,
And own myself a heathen dark
Because I've doubts about the Ark
And think it right to tell all men so,
Is *not* the course for Yours Colenso.

Day. It was much the same in Holland, which country he visited in September of 1863. There he was enthusiastically received by the great Prof. Kuenen and other distinguished professors. Bishop Colenso spoke of the contrast between the reception he met with there from the Hebrew and Biblical scholars compared with that which he had received in England from "unlearned and prejudiced clergy."

Bishop Gray, finding that it was legally impossible for the Bishop of London or any other Bishop to bring Bishop Colenso to trial in England for his erroneous teaching, hurried back to Cape Town to institute proceedings in his own diocese, as indeed the Bishop of London had suggested. He reached Cape Town in August, 1863. Action had become imperative, as the Dean of Maritzburg and other clergy had "presented" Bishop Colenso to the Metropolitan, that is, had formally lodged complaints and protests against what they called his heresy. The summons was served on Bishop Colenso in London. The trial commenced on November 17th, and was held in St. George's Cathedral, Cape Town. The court consisted of Bishop Gray, as president, and the Bishops of Grahamstown and the Orange Free State. The assessors or accusers were Dean Douglas of Cape Town, Archdeacon N. J. Merriman (afterwards Bishop of Grahamstown) and Archdeacon Badnall of George. The court was open to the public and crowds of interested spectators seem to have attended. Bishop Colenso, being still in England, was undefended and apparently did not trouble himself about any defence beyond that he appointed a Dr. Bleek, the famous authority on the Bushman language and the curator of the Sir George Grey library, to protest against the Metropolitan's proceedings, which he considered to be illegal and beyond Bishop Gray's jurisdiction. Hence, after various formal documents were read opening the case, Dr. Bleek read the following from Bishop Colenso: "I am advised that your Lordship has no jurisdiction over me and no legal right to take cognisance of the charge in question. I therefore protest against the proceedings instituted before you and request you to take notice that I do not admit their legality and that I shall take such measures to contest the lawfulness of your proceedings, and, if necessary, resist the execution of any judgment adverse to me which you may deliver." The charge, or rather charges, were nine in number. They consisted of quotations from his writings; each was accompanied by a long theological disquisition showing how it conflicted with the teaching of the Book of Common Prayer. The case was opened by the Dean of Cape Town, who made, from his point of view, an able speech which lasted the best part of two days. This was followed by speeches from the two Archdeacons. They went over much the same ground but did not add anything new. The Court adjourned until December 14th, when it again met to listen to the opinions of the assessors, who had, in the meantime, taken into consideration the points which had been

raised. The general opinion was that Bishop Colenso's writings did contradict truths in which all schools of theology agreed; that his teaching " does deprave, impugn and bring into disrepute the Book of Common Prayer." Bishop Gray then, at great length, gave his address and judgment. He, in the absence of all precedent, found himself in a very difficult and painful position, namely, that of having to call to account a brother Bishop for heresy, of having to declare him wholly disqualified for the high position he held and unfit to bear rule in the Church or to exercise any office therein. At great length he took the charges one by one and contested each on theological grounds. At the conclusion he pronounced sentence against Bishop Colenso. It was that he be deposed from his bishopric and prohibited from the exercise of any divine office in the Metropolitan Province of Cape Town, that is in South Africa. But the sentence was not to take effect until the following April 16th, in order to give Bishop Colenso an opportunity to recant—not a very probable contingency. Dr. Bleek then handed in the protest against the validity of the judgment and gave notice to appeal.

It is noteworthy that Bishop Gray in all his correspondence and dealings with Bishop Colenso showed an absence of private personal feeling. He discharged his painful duty entirely on its own merits and, as the champion of the Church, he felt himself compelled to act as he did, " much as I love and, in many respects, admire my brother." During a period of nine years, that is until the publication of the Commentary on the Romans, all had run smoothly with them, but now each was fighting for what he considered to be the truth and was in a hostile and contending camp.

When Bishop Colenso, in London, heard the results of the " so-called Cape Town trial," as he referred to it, he took his first step to render it of no effect. This consisted of a petition to the Crown, in which he prayed that Her Majesty would be pleased to declare him entitled to hold his See in Natal until the Letters Patent which had been granted to him should be cancelled by due process of law; he also prayed that " the pretended Cape Town trial " and sentence should be declared null and void. The petition was referred to the Judicial Committee of the Privy Council on June 10th, 1864. Not until March of 1865 was a most able judgment declared. It indicated that much time and research had been devoted to its preparation. It turned chiefly on the validity of Bishop Gray's Letters Patent of December, 1853, which were issued after an independent Legislature had been granted to Cape Colony. The Crown, by virtue of its prerogative, had no power to establish a Metropolitan or See in such a Colony. The Crown had no power to assign a diocese to Bishop Gray or to create any ecclesiastical corporation whose status, rights and authority the Colony could be required to recognise. Letters

Patent do not give, in a Colony possessing an independent Legislature, coercive jurisdiction to the Metropolitan over his suffragan bishops; and, further, there is no power to create any new or additional tribunal; any such clause in Letters Patent is void in law. After the expression of much legal opinion of this nature, the Lords of the Privy Council reported humbly to Her Majesty their judgment that the proceedings taken by the Bishop of Cape Town, the judgment and sentence pronounced against the Bishop of Natal were null and void in law; that Bishop Gray's procedure was the exercise of nothing more than a voluntary jurisdiction having no compulsory or legal force. Bishop Colenso cannot be removed except through a judicial process.

Thus matters were *in statu quo* and Colenso remained Bishop of Natal. But there was another course open to Bishop Gray. The civil authority having gone against him there yet remained the spiritual and this it was determined to bring into action if Colenso should determine to return to his diocese. This measure was to excommunicate him, to declare him to be a heathen (in accordance with Article XXXIII) and a publican and to cut him off from the Church altogether and consecrate another bishop for Natal. In this Bishop Gray seems to have acted somewhat prematurely, for it was before the decision of the Privy Council was known. April 16th, the time limit, passed and yet there was no recantation from Bishop Colenso, so the sentence of deposition was formally and officially served upon him in London. Bishop Gray then went to Natal to take charge of the diocese, and on April 30th the sentence of deposition was read at the services in the different churches. It was while thus moving about in Natal that Bishop Gray became acquainted with the decision of the Privy Council. This spectacle of two Bishops openly at variance caused considerable perturbation, if not excitement, in other than church circles. Some refused to have him back or have anything to do with him, while others, on the other hand, applauded his action. There was a feeling of uncertainty as to whether under the circumstances he would venture to return to Natal. The Bishop, however, set these doubts at rest by leaving England and landing in Durban on November 6th, 1865. The welcome he received at Maritzburg on his arrival there was a protest from the Dean and churchwardens against his entering the building. He seems to have had some warning that this would be the case. He therefore made application to the Court for an interdict to restrain them from closing the church against him. This was granted.

On Sunday morning, November 17th, Bishop Colenso went to his church. He found the vestry door locked, but he gained an entrance through the north door. There he was met by the churchwardens, who read to him the protest against his assuming any office therein. As he had been deposed, they said, by the Archbishops and Bishops

of the Church of England and the clergy had refused to acknowledge him as their spiritual head "we, as churchwardens, feel bound to refuse and hereby do refuse your Lordship permission to exercise any spiritual function herein; we solemnly warn you that, if, despising the sentence of the Church, you attempt to stand amongst us as a Minister of the Church, such a proceeding can only be looked upon as an act of violence." To this the Bishop replied: "I am come to discharge in this church and diocese the duties committed to me by the Queen." He then proceeded to the chancel steps and, with the assistance of one of his servants and in front of the congregation robed himself, read the morning service and preached. Having thus defied Bishop Gray by returning to Natal and taking possession of his church, Bishop Colenso brought upon himself the threatened excommunication. On December 13th, 1865, Bishop Gray wrote: "The time, alas, has arrived when I am bound, after due and repeated admonition, to separate you by final sentence from the communion of the Church. . . . Before taking this last step thus enjoined upon me, which I am sure you will do me the justice to believe must on every ground be a most painful one, I desire to express my readiness to adopt any of the following courses which, if assented to by you, may enable me to escape it." The courses were to appeal to the adjudication of the Archbishop of Canterbury or to a general synod of Bishops. "If you do not consent to this I must take the most painful step I have ever taken in my life. My heart yearns for you and I make this last, I fear ineffectual, attempt to lead you to adopt one or the other of the only two courses which can spare us both the pains and distress of a formal severance." Needless to say Bishop Colenso did not consent to either course. Thus the threat of excommunication took effect. But this did not alter Bishop Colenso's legal position. In spite of deposition and excommunication he remained Bishop of Natal until he died in 1883.

As Natal, ecclesiastically, was without a Bishop, though legally Bishop Colenso was still in possession of the diocese, the church authorities decided to appoint another Bishop who might be expected to maintain church doctrines and discipline. This introduced the anomalous situation of two Bishops not only in one and the same diocese, but even in the same town, Maritzburg. The situation was further complicated by the fact that all the church property was in the hands of Bishop Colenso and he was unwilling to surrender it. There was, therefore, considerable difficulty and trouble in store for the ecclesiastical successor. This evidently was realised by those who were invited to accept the position. The Archbishop of Canterbury first suggested the Reverend E. H. Cox, of Tasmania, but he declined. The choice then fell upon the Reverend Butler, Vicar of Wantage, who accepted it and was elected. But realising, after much correspondence,

the state of affairs in Natal, he thought it wiser to withdraw. Finally, the Reverend W. K. Macrorie, M.A. of Brasenose College, Oxford, and Vicar of Accrington, consented to fill the vacancy. Hence, nothing was now wanting but his consecration. But difficulties were not yet at an end. In consequence of differences of opinion among the English and Scotch Bishops, the ceremony could not be performed in either England or Scotland. Eventually it was solemnised in Cape Town on January 29th, 1869, by Bishop Gray and the South African Bishops. Bishop Macrorie then took up his residence in Maritzburg, but he had to build his own cathedral as Bishop Colenso still held St. Peter's Church, the cathedral of the diocese.

It is not possible in the space which can be allotted here to give a longer account of these matters, much less of those conflicts of a still later date which took place in Cape Colony after Bishop Gray's death.

Taking a general view of the history of these affairs, it does seem unfortunate that, good, courageous, indefatigable and self-sacrificing as was Bishop Gray, his arrival in South Africa should be the signal for the commencement of the continual church strife, which lasted long after he had passed away. In justice to his memory it must be acknowledged that he did a great work for the country. When he arrived in the Colony there was scarcely any organised Church of England; before his death he had placed it on a sure foundation; there were parishes and churches throughout the length and breadth of the land and the body of clergy and church workers were reckoned in hundreds.

Up to the last his was a very busy and anxious life, carrying out all his works of building up and administration, while at the same time he had to fight costly legal actions. Nor was he unsuccessful in raising the necessary funds for carrying out his comprehensive plans. In his frequent visits to England he preached to crowded congregations in the north, south, east and west and enlisted the help of many who could well afford it. He became one of the best known men in England. After 24 years of unceasing activity—at times suffering from the effects of overwork, but having the satisfaction of seeing the good results of his labour—he died, in September, 1872.

His memory will remain long as that of one of the most prominent characters of later South African history.

For further details *vide :* The Life of Robert Gray, edited by his son; two vols. The Life of John William Colenso, by Rev. George W. Cox; two vols. The Trial of Bishop Colenso in the *Cape Argus* for the period. Also The Life of James Green, Dean of Maritzburg, by the Ven. A. T. Wirgman, D.D.

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